

# EXHIBIT 4

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

RAUL NOVOA and JAIME CAMPOS )  
FUENTES, individual and on )  
behalf of all others )  
similarly situated, )  
Plaintiffs, ) Case No. 5:17-cv-02514  
vs. ) JGB-SHKx  
THE GEO GROUP, INC., )  
Defendants. )  
\_\_\_\_\_)

VIDEOTAPED DEPOSITION OF JAMES JANECKA  
Los Angeles, California  
Wednesday, June 26, 2019

REPORTED BY:  
Kathleen Siri  
CSR No. 9726

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<p>1 June 26, 2019</p> <p>2 -o0o-</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We are on the</p> <p>5 record. The time is 9:04 a.m. Today's June 26th, 2019. 0</p> <p>6 My name is Israel Reyes. I'm a notary, video technician</p> <p>7 for Veritext Legal Solutions, located in Los Angeles,</p> <p>8 California. We are recording these proceedings at 400</p> <p>9 South Hope Street, Los Angeles, California. This is</p> <p>10 Media 1 for video deposition of James Janecka in the</p> <p>11 action entitled Raul Novoa and Jaime Campos Fuentes</p> <p>12 versus the GEO Corp., et al. This deposition is being</p> <p>13 taken on behalf of plaintiff. The case number is</p> <p>14 5:17-cv-02514-JGB-SHKx.</p> <p>15 Now, may I please have introductions for the</p> <p>16 record beginning with counsel.</p> <p>17 MS. WRIGHT: Lydia Wright for the plaintiffs.</p> <p>18 MR. FREE: Andrew Free for the plaintiffs.</p> <p>19 MR. CHAREST: Daniel Charest for the plaintiff.</p> <p>20 MS. ARMSTRONG: Shannon Armstrong, Holland and</p> <p>21 Knight for the defendants GEO Group and with me is Vince</p> <p>22 Farhat.</p> <p>23 MR. FARHAT: Good morning.</p> <p>24 THE VIDEOGRAPHER: Now, Ms. Reporter, please</p> <p>25 administer the oath.</p> <p style="text-align: right;">Page 7</p>	<p>1 A Yes, ma'am.</p> <p>2 Q Great. Thank you.</p> <p>3 How long have you been the warden at Adelanto?</p> <p>4 A Since September of 2014.</p> <p>5 Q How long have you worked for the GEO Group?</p> <p>6 A Since May of 1997.</p> <p>7 Q So a little over 20 years?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Where did you work before Adelanto?</p> <p>10 A Lee County Correctional Facility in Hobbs, New</p> <p>11 Mexico.</p> <p>12 Q How long were you there?</p> <p>13 A Ten years.</p> <p>14 Q Okay. I lived in Gallop two years. Hobbs is a</p> <p>15 nice place.</p> <p>16 And Lee County Correctional Center, that's a</p> <p>17 criminal correctional center as opposed to civil</p> <p>18 immigration detention center?</p> <p>19 A It was a state corrections facility, yes.</p> <p>20 Q Where were you -- and it's a GEO facility?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Where were you before Lee County Correctional</p> <p>23 Center?</p> <p>24 A In Del Rio, Texas.</p> <p>25 Q What facility were you at there?</p> <p style="text-align: right;">Page 9</p>

<p>1 A The Val Verde Correctional Facility. 2 Q Were you the warden? 3 A I was a deputy warden. 4 Q How long were you there? 5 A Approximately two years. 6 Q And before Del Rio, where did you work? 7 A George W. Hill Correctional Facility in 8 Delaware County, Pennsylvania. 9 Q How long were you there? 10 A Approximately three years. 11 Q What was your position? 12 A Warden. 13 Q And these are all GEO facilities? 14 A Yes, ma'am. 15 Q And before G.W. Hill? 16 A I was at the Taft Correctional Facility in 17 Taft, California. 18 Q Where is that? 19 A Excuse me? 20 Q Where is that? 21 A It's near Bakersfield. 22 Q Okay. And what was your position? 23 A Assistant warden. 24 Q How long were you there? 25 A Approximately two years.</p> <p style="text-align: right;">Page 10</p>	<p>1 Q And can you go through the hierarchy for me one 2 more time? 3 A My current job or with my previous career? 4 Q In corrections? 5 A In corrections, you typically have correctional 6 officers. Then have you sergeants, lieutenants, 7 captains, majors, assistant wardens and wardens. 8 Q And you've been each of those positions? 9 A Yes. 10 Q In corrections? 11 A Yes, ma'am, in corrections and/or in detention. 12 Q Okay. And then in the field of civil 13 immigration detention, can you go through that hierarchy 14 for me in that field? 15 A I was a deputy warden in Del Rio. And then 16 I've been here in Adelanto for the last almost five 17 years as the warden. 18 Q I think I'm asking a slightly different 19 question, which is in the field of immigration 20 detention, as opposed to corrections, what is the 21 hierarchy of positions? 22 A Oh, excuse me. At our facility, we have 23 detention officers, sergeants, lieutenants, captains, 24 chief security/major, assistant warden, deputy warden 25 and warden.</p> <p style="text-align: right;">Page 12</p>
<p>1 Q And prior to Taft? 2 A Prior to Taft, I was in Broward County, 3 Florida. 4 Q What facility? 5 A It was the Broward County Residential Center 6 Work Center. 7 Q Is that a -- what kind of facility is that? 8 A It was a work release center in a company 9 contract with the County of Broward. 10 Q How long were you there? 11 A Three months. 12 Q And what was your position? 13 A Assistant warden. 14 Q Before Broward County, where were you? 15 A I worked for the Texas Department of Criminal 16 Justice. 17 Q What did you do for them? 18 A I started out as a correctional officer in 19 January of 1985. And progressed to sergeant, 20 lieutenant, captain, major before I went to work for the 21 GEO Group. 22 Q So am I correct in understanding that in the 23 field of corrections, the positions are -- the structure 24 is similar to a military structure? 25 A Similar, yes.</p> <p style="text-align: right;">Page 11</p>	<p>1 Q And you being the warden, supervised all of 2 those people below you on that scale; is that right? 3 A Yes, ma'am. 4 Q Is Adelanto the first immigration detention 5 center where you've worked? 6 A No. Val Verde Correctional Facility in Del Rio 7 had an immigration population. 8 Q I thought you said that that was a correctional 9 facility? 10 A The title was correctional. It did house 11 aliens. It housed U.S. Marshals. And it also housed 12 some county jail. 13 Q Were the people who were being detained in 14 the Del Rio facility, were they there to -- for criminal 15 reason to serve a sentence or were they there for 16 removal proceedings? 17 A Both. 18 Q Okay. So it was a correctional facility that 19 also had removal operations as well; is that correct? 20 A It had immigration. Most of the immigrants 21 would go to their -- their immigration hearings and then 22 it would be determined. So you had criminal aliens and 23 you had aliens. 24 Q Okay. Any other immigration detention centers 25 where you've worked besides the Del Rio Facility and</p> <p style="text-align: right;">Page 13</p>

<p>1 Adelanto?</p> <p>2 A No, ma'am.</p> <p>3 Q Okay. In your experience, how is civil</p> <p>4 immigration detention different from corrections, from</p> <p>5 criminal detention?</p> <p>6 A Civil detention, there's nobody that's detained</p> <p>7 that has been convicted. Everything -- every program,</p> <p>8 every activity is voluntary to the population. Whereas</p> <p>9 in a criminal -- in a correctional setting, a lot of the</p> <p>10 programming is -- is either a -- sanctioned and it's</p> <p>11 mandatory for the inmates to go to the programming. We</p> <p>12 also have our immigration proceedings on site. And the</p> <p>13 detainees have their court proceedings. And whatever</p> <p>14 the outcome of their court proceeding is, is the end</p> <p>15 result of their fate.</p> <p>16 Q Have you ever received a paycheck from ICE?</p> <p>17 ICE, meaning Immigration Customs Enforcement?</p> <p>18 A No.</p> <p>19 Q Are you a member of any trade groups or</p> <p>20 professional associations?</p> <p>21 A I'm a member of the Adelanto Chamber of</p> <p>22 Commerce. I'm a member of the American Correctional</p> <p>23 Association.</p> <p>24 Q Okay. Did you receive any special training or</p> <p>25 do you have any special qualifications that help you to</p> <p style="text-align: right;">Page 14</p>	<p>1 operations, staff, detainees, security, the whole -- the</p> <p>2 whole package of what happens at Adelanto?</p> <p>3 A From a management standpoint, yes.</p> <p>4 Q Is there another standpoint that we should be</p> <p>5 considering?</p> <p>6 A I don't actually do every intricate and daily</p> <p>7 detail specific job at the facility. From a management</p> <p>8 standpoint, I'm responsible for all those areas.</p> <p>9 Q Right, because you have so many subordinates,</p> <p>10 so you delegate -- you delegate the operations, tasks to</p> <p>11 your --</p> <p>12 A The day-to-day -- the day-to-day details, yes.</p> <p>13 Q And you mentioned having fiscal responsibility</p> <p>14 or responsibility over fiscal management. What did you</p> <p>15 mean by that?</p> <p>16 A I work very closely with my business manager,</p> <p>17 my assistant ward of finance for the management of</p> <p>18 our -- our budget.</p> <p>19 Q And who is that person?</p> <p>20 A Greg Hillers.</p> <p>21 Q So are you responsible for the facility's</p> <p>22 budget?</p> <p>23 A I am responsible for the -- the management and</p> <p>24 the -- the budget review process, yes.</p> <p>25 Q And are you responsible for the expenditures of</p> <p style="text-align: right;">Page 16</p>
<p>1 run a civil immigration detention center?</p> <p>2 A Specialized would be just the training that we</p> <p>3 receive at our annual refresher training. Otherwise, it</p> <p>4 is managed in -- from past experience.</p> <p>5 Q Your experience in corrections helps inform</p> <p>6 your day-to-day operations of the Adelanto Facility?</p> <p>7 A Corrections and past detention experience, yes.</p> <p>8 Q Okay. Can you tell me about your educational</p> <p>9 background?</p> <p>10 A I have approximately two years of college.</p> <p>11 Q Where did you go to college?</p> <p>12 A Warden County Junior College.</p> <p>13 Q Where is that?</p> <p>14 A It is a warden -- it was in Sugarland, Texas.</p> <p>15 Q Did you get a degree there?</p> <p>16 A No, ma'am.</p> <p>17 Q When were you there?</p> <p>18 A Approximately 1993 through 1995.</p> <p>19 Q Describe for me please your responsibilities as</p> <p>20 warden of the Adelanto Detention Center?</p> <p>21 A My responsibilities are for the management of</p> <p>22 the day-to-day operations of the entire institution as</p> <p>23 well as the physical management of the institution.</p> <p>24 Q When you say the day-to-day operations, does</p> <p>25 that mean that you are responsible for overseeing</p> <p style="text-align: right;">Page 15</p>	<p>1 the facility?</p> <p>2 A To a point.</p> <p>3 Q What do you mean?</p> <p>4 A My business offices, the primary responsibility</p> <p>5 of their area, I get briefed on the details or the -- as</p> <p>6 to the status of where we're at.</p> <p>7 Q But you're ultimately responsible for what your</p> <p>8 business office does; is that right?</p> <p>9 A Yes.</p> <p>10 Q So is it fair to say that you direct all</p> <p>11 facility functions, assign and delegate duties and</p> <p>12 ensure that the facility operates smoothly?</p> <p>13 A No.</p> <p>14 Q What did I get wrong there?</p> <p>15 A I have deputy, a deputy warden, assistant</p> <p>16 wardens that will assign tasks and certain -- give</p> <p>17 direction to staff in certain areas. I am involved to a</p> <p>18 point, but I don't manage every detail of the operation.</p> <p>19 Q Thank you for that clarification. That makes</p> <p>20 complete sense.</p> <p>21 In the military, there's a saying that you can</p> <p>22 delegate authority, but not responsibility. Is that --</p> <p>23 do you think that that rings true at Adelanto?</p> <p>24 A That's -- when you're in the management</p> <p>25 position, that's typically true.</p> <p style="text-align: right;">Page 17</p>

<p>1 Q Do you have a military background?</p> <p>2 A No, ma'am.</p> <p>3 Q Daniel Ragsdale called you the leader on the</p> <p>4 ground at Adelanto. Do you think he's right about that?</p> <p>5 A I guess I'll say thank you to Daniel.</p> <p>6 Q I thought you might like to hear that.</p> <p>7 MS. ARMSTRONG: I won't tell you the other</p> <p>8 stuff that Daniel Ragsdale talked about.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Who is your immediate supervisor?</p> <p>11 A Joe Moorehead.</p> <p>12 Q What's his title?</p> <p>13 A Western region director.</p> <p>14 Q And where is his office?</p> <p>15 A Los Angeles.</p> <p>16 Q And he's western regional director at GEO?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Do you know who his supervisor is?</p> <p>19 A Yes, it's Paul Laird. He's the western region</p> <p>20 vice president.</p> <p>21 Q Is he also in Los Angeles?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Who -- who is Mr. Laird's supervisor?</p> <p>24 A Be David Donahue.</p> <p>25 Q What's his position?</p> <p>Page 18</p>	<p>1 health care.</p> <p>2 Q Okay. Is there anybody else that you supervise</p> <p>3 that we haven't discussed already?</p> <p>4 A No, ma'am.</p> <p>5 Q Okay. How do you normally communicate with the</p> <p>6 about 500 people that you supervise at Adelanto?</p> <p>7 A Either by -- most of it is by walking and</p> <p>8 talking.</p> <p>9 Q You prefer in-person communication as opposed</p> <p>10 to e-mail or phone calls?</p> <p>11 A When I interact with line staff.</p> <p>12 Q Do you use a messaging app to communicate with</p> <p>13 anybody?</p> <p>14 A Can you clarify?</p> <p>15 Q Do you Slack or any sort of text message?</p> <p>16 A I'll text occasionally to my deputy warden or</p> <p>17 my administrators. That's --</p> <p>18 Q Who is your deputy warden?</p> <p>19 A Frank Karam.</p> <p>20 Q Could you spell his last name for me, please?</p> <p>21 A K-a-r-a-m.</p> <p>22 Q Warden Janecka, what do you think this case is</p> <p>23 about to the best of your knowledge?</p> <p>24 A To the best of my knowledge, it involves the</p> <p>25 Voluntary Work Program, the Voluntary Work Program.</p> <p>Page 20</p>
<p>1 A He's senior vice president of U.S. Corrections</p> <p>2 and Detention and president of the company.</p> <p>3 Q President of GEO?</p> <p>4 A Yes, U.S. Corrections. Yes, of GEO. I'm</p> <p>5 sorry.</p> <p>6 Q So his title is senior vice president of</p> <p>7 U.S. corrections and detention. And he's also president</p> <p>8 of GEO?</p> <p>9 A Yes.</p> <p>10 Q And is he in L.A.?</p> <p>11 A No.</p> <p>12 Q Where is he?</p> <p>13 A He's in Boca Raton, Florida.</p> <p>14 Q How many people do you supervise at Adelanto?</p> <p>15 A GEO staff, approximately 450.</p> <p>16 Q Okay. Do you supervise anybody other than GEO</p> <p>17 staff?</p> <p>18 A We contract with a medical company called</p> <p>19 Wellpath. And they have approximately 90 employees.</p> <p>20 Q And you supervise those 90 Wellpath employees</p> <p>21 at Adelanto?</p> <p>22 A Not directly. It's an indirect supervision</p> <p>23 through our contract with them.</p> <p>24 Q And what do the Wellpath employees do?</p> <p>25 A They do our -- all of our medical and mental</p> <p>Page 19</p>	<p>1 Q Do you know anything more specific than that?</p> <p>2 A Specifics, it has to deal with the dollar a day</p> <p>3 pay for the detainees on the Voluntary Work Program.</p> <p>4 Q How did you prepare for your deposition today?</p> <p>5 A I met with my attorney yesterday.</p> <p>6 Q How long did you meet for?</p> <p>7 A Approximately six hours.</p> <p>8 Q Did you communicate with any GEO employees</p> <p>9 about your testimony today?</p> <p>10 A No.</p> <p>11 Q Did you communicate with any ICE officials</p> <p>12 about your testimony today?</p> <p>13 A No.</p> <p>14 Q Did you communicate with anybody else aside</p> <p>15 from your attorney about your testimony today?</p> <p>16 A No.</p> <p>17 Q Did you review the transcripts of the</p> <p>18 depositions of Daniel Ragsdale or David Ventarella that</p> <p>19 were taken in this case?</p> <p>20 A No.</p> <p>21 Q Have you been deposed before?</p> <p>22 A Yes.</p> <p>23 Q When -- about how many times have you been</p> <p>24 deposed?</p> <p>25 A Approximately six.</p> <p>Page 21</p>



<p>1 Q And what were the -- what was the context of 2 the depositions? 3 A The majority dealt with former employee 4 litigation. 5 Q And what else? 6 A One was inmate litigation in New Mexico. 7 Q Have you been deposed since you became the 8 warden of Adelanto? 9 A Yes. 10 Q How many times? 11 A Approximately three or four. 12 Q And were those cases all employee litigation? 13 A Yes, ma'am. 14 Q Okay. Warden Janecka, my understanding is that 15 GEO must comply with all applicable federal, state and 16 local laws in the operation of the Adelanto Facility; is 17 that correct? 18 A Yes, ma'am. 19 Q So that includes complying with state health 20 codes; is that right? 21 MS. ARMSTRONG: Object to the form. Calls for 22 a legal conclusion. 23 THE WITNESS: Yes. 24 BY MS. WRIGHT: 25 Q And Adelanto has to comply with fire codes and</p> <p style="text-align: right;">Page 22</p>	<p>1 MS. WRIGHT: It's the exact same version. 2 MS. ARMSTRONG: Sure. 3 BY MS. WRIGHT: 4 Q Warden Janecka, this is the copy of the 5 Services Contract and the Intergovernmental Services 6 Agreement that governed the Adelanto Detention Center. 7 Have you seen this document before? 8 A Yes, ma'am. 9 Q Are you familiar with the Intergovernmental 10 Services Agreement or IGSA between ICE and the city of 11 Adelanto? 12 A Yes. 13 Q And you're familiar with the services agreement 14 between the city of Adelanto and GEO? 15 A Yes. 16 Q And do you understand that under the IGSA, GEO 17 is contractually responsible for the maintenance and 18 operation of the Adelanto Facility? 19 MS. ARMSTRONG: Object to the form. Calls for 20 a legal conclusion. 21 THE WITNESS: Yes, ma'am. 22 BY MS. WRIGHT: 23 Q And under the IGSA, GEO is required to provide 24 basic necessities to all detainees at the Adelanto 25 Facility?</p> <p style="text-align: right;">Page 24</p>
<p>1 building codes? 2 MS. ARMSTRONG: Objection to the form. Calls 3 for legal conclusion. 4 THE WITNESS: Yes, ma'am 5 BY MS. WRIGHT: 6 Q And GEO has to comply with municipal zoning 7 regulations at the Adelanto Facility; is that right? 8 MS. ARMSTRONG: Same objection. 9 THE WITNESS: Yes, ma'am. 10 BY MS. WRIGHT: 11 Q I'm going to hand you what has been previously 12 marked as Exhibit 1. So this was marked as Exhibit 1 13 in -- in a prior deposition. 14 THE REPORTER: Are you remarking it today? 15 MS. WRIGHT: Just as Exhibit 1. 16 (Plaintiffs' Exhibit 1 was previously marked 17 for identification by the Certified Shorthand Reporter 18 and attached hereto.) 19 MS. ARMSTRONG: So we're going to remark this 20 as Exhibit 1? It's been marked Exhibit 1 before, but 21 this is the version that has Bates numbers. Just making 22 sure it's clear. 23 MS. WRIGHT: Actually, this is the exact same 24 version. We haven't -- 25 MS. ARMSTRONG: Okay. I understand.</p> <p style="text-align: right;">Page 23</p>	<p>1 MS. ARMSTRONG: Same objection. 2 THE WITNESS: Yes, ma'am. 3 BY MS. WRIGHT: 4 Q Do you agree that those basic necessities 5 include food, shelter, utilities, clothing, bedding, 6 medical care, mental health care, dental care, 7 recreation? Is that a complete list of the necessities 8 that GEO provides to detainees at Adelanto? 9 A Yes, ma'am. 10 Q Is GEO required to comply with the terms of the 11 IGSA? 12 MS. ARMSTRONG: Object to the form. Calls for 13 a legal conclusion. 14 THE WITNESS: Yes, ma'am. 15 BY MS. WRIGHT: 16 Q And with respect to the relationship between 17 GEO and ICE at Adelanto, GEO is the service provider or 18 the vendor? 19 A Yes, ma'am. 20 Q And ICE is the client? 21 A Yes. 22 Q Okay. Now, GEO's also required to comply with 23 the -- with ICE's Performance-Based National Detention 24 Standards or PBNDS; is that right? 25 A Yes.</p> <p style="text-align: right;">Page 25</p>



<p>1 Q I'll hand you Exhibit 2, which has been 2 previously marked. 3 (Plaintiffs' Exhibit 2 was previously marked 4 for identification by the Certified Shorthand Reporter 5 and attached hereto.) 6 BY MS. WRIGHT: 7 Q Warden Janecka, we're going to be working with 8 paper documents today. My recommendation to you is when 9 we're finished with the document, if you just put it 10 face down and make a stack and that will keep them in 11 order. 12 A Okay. 13 Q Are you familiar with the 2011 PBNDS as revised 14 in 2016? 15 A Yes. 16 Q Do you agree that this version of the PBNDS 17 applies at the Adelanto Detention Center? 18 MS. ARMSTRONG: Let me just object to the 19 extent that the deposition exhibit hasn't been 20 identified yet and you're asking him questions about it. 21 THE WITNESS: Yes, ma'am. 22 BY MS. WRIGHT: 23 Q Do you recognize the document in front of you? 24 A Yes. 25 Q What is it?</p> <p style="text-align: right;">Page 26</p>	<p>1 same under the standards. 2 BY MS. WRIGHT: 3 Q Okay. Thank you. 4 Does GEO apply the PBNDS uniformly to all 5 detainees at the Adelanto Facility? 6 MS. ARMSTRONG: Object to the form. Vague. 7 THE WITNESS: Yes, ma'am. 8 BY MS. WRIGHT: 9 Q And are you as warden ultimately responsible 10 for ensuring that the PBNDS are followed at Adelanto? 11 MS. ARMSTRONG: Object to the form. Vague. 12 THE WITNESS: Yes, ma'am. 13 BY MS. WRIGHT: 14 Q Now, GEO also has its own facility-specific 15 policies and procedures that are separate from the 16 PBNDS; right? 17 A Yes, ma'am. 18 Q And GEO has discretion to create its own 19 policies and procedures so long as they comport with the 20 PBNDS; is that correct? 21 MS. ARMSTRONG: Object to the form. Calls for 22 a legal conclusion. 23 THE WITNESS: Our local policies do reflect the 24 PBNDS standards, yes. 25 ///</p> <p style="text-align: right;">Page 28</p>
<p>1 A I'm sorry? 2 Q What is the document in front of you? 3 A It's the Performance-Based National Standards, 4 2011, the 2016 errata. 5 Q Okay. Thank you. 6 Which PBNDS standards are applied or enforced 7 at Adelanto? 8 MS. ARMSTRONG: Object to the form. Calls for 9 a legal conclusion. Vague. 10 THE WITNESS: We follow all the standards. 11 BY MS. WRIGHT: 12 Q Does GEO have the ability to opt out of the -- 13 of any of the standards? 14 MS. ARMSTRONG: Object to the form. Vague. 15 THE WITNESS: Not without approval from ICE, 16 no. 17 BY MS. WRIGHT: 18 Q Would you agree that one of the purposes of the 19 PBNDS is to ensure that government contractors, like GEO 20 treat detainees fairly and humanely? 21 MS. ARMSTRONG: Object to the form. Calls for 22 speculation. 23 THE WITNESS: I believe the PBNDS standards are 24 designed to ensure, irregardless of who's operating or 25 managing the facility, that everybody gets treated the</p> <p style="text-align: right;">Page 27</p>	<p>1 BY MS. WRIGHT: 2 Q My question was a little different. It was, 3 does GEO have discretion to create its own policies and 4 procedures so long as they comports with the PBNDS? 5 MS. ARMSTRONG: Object to the form. Calls for 6 legal conclusion. 7 THE WITNESS: Could you clarify that? 8 BY MS. WRIGHT: 9 Q Sure. 10 Does GEO have the ability to create his own 11 policies and procedures? 12 MS. ARMSTRONG: Object to the form. Vague. 13 THE WITNESS: Yes. 14 BY MS. WRIGHT: 15 Q And the purpose of GEO's facility-specific 16 policies and procedures -- let me start over. 17 When -- when GEO creates a policy for the 18 Adelanto Detention Center, do you as the warden expect 19 that policy to be implemented on the ground? 20 A Yes. 21 Q Are GEO's policies and procedures applied 22 uniformly to all detainees at Adelanto? 23 A Yes. 24 Q So GEO applies the same rules and procedures to 25 all detained immigrants at Adelanto?</p> <p style="text-align: right;">Page 29</p>

<p>1 A Yes, ma'am.</p> <p>2 Q Are detainees told about GEO's policies and</p> <p>3 procedures? Are they notified?</p> <p>4 A We issue each detainee a local handbook that</p> <p>5 references some of the information in our local</p> <p>6 policies.</p> <p>7 Q So detainees are notified about the policies</p> <p>8 and procedures that apply to them at the Adelanto</p> <p>9 Facility?</p> <p>10 A Yes.</p> <p>11 Q Which makes sense, because how could they</p> <p>12 comply with the policy if they don't know that it</p> <p>13 exists; right? Do you agree?</p> <p>14 A Right. They get -- the handbook gives them a</p> <p>15 good -- is their notification.</p> <p>16 Q Can GEO -- excuse me. Let me start again.</p> <p>17 Can you as the warden of the Adelanto Facility</p> <p>18 opt out of a GEO corporate policy?</p> <p>19 A Not without corporate approval.</p> <p>20 Q Would you say that GEO's corporate policy</p> <p>21 requires GEO employees to treat detainees fairly, safely</p> <p>22 and humanely?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Now, GEO, under the IGSA, GEO must create a</p> <p>25 detainee work plan at Adelanto; is that right?</p> <p>Page 30</p>	<p>1 discretion to -- to operate the work program however you</p> <p>2 see fit?</p> <p>3 MS. ARMSTRONG: Same objection and asked and</p> <p>4 answered.</p> <p>5 THE WITNESS: It will only be operated in</p> <p>6 accordance with what the PBNDS standards allows. I</p> <p>7 can't arbitrarily operate a work program.</p> <p>8 BY MS. WRIGHT:</p> <p>9 Q But you can make choices about how to operate</p> <p>10 the work program based on what's actually happening on</p> <p>11 the ground at Adelanto as long as it's in accordance</p> <p>12 with the PBNDS?</p> <p>13 MS. ARMSTRONG: Objection. Misstates prior</p> <p>14 testimony. Vague. Calls for speculation.</p> <p>15 THE WITNESS: Can you be a little more specific</p> <p>16 when you say how to operate the work program?</p> <p>17 BY MS. WRIGHT:</p> <p>18 Q We can just move on. That's fine.</p> <p>19 A Okay.</p> <p>20 Q Let's talk a little bit about the Adelanto</p> <p>21 Facility campus itself. Adelanto can house up to 1,940</p> <p>22 detainees per day; is that right?</p> <p>23 A Yes, ma'am.</p> <p>24 Q How large is the Adelanto Facility campus?</p> <p>25 A When you say large, square footage?</p> <p>Page 32</p>
<p>1 A Yes, ma'am.</p> <p>2 Q And GEO's detainee work plan has to be in</p> <p>3 accordance with the PBNDS standard on the Voluntary Work</p> <p>4 Program, which is standard 5.8; right?</p> <p>5 MS. ARMSTRONG: Object to the form. Calls for</p> <p>6 legal conclusion.</p> <p>7 THE WITNESS: It has to be compliant with the</p> <p>8 PBNDS standards.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q But if I'm understanding this correctly, as</p> <p>11 long as GEO's detainee work program plan is in</p> <p>12 accordance with the PBNDS, GEO has discretion on how to</p> <p>13 operate the work program on the ground.</p> <p>14 Do you agree?</p> <p>15 MS. ARMSTRONG: Object to the form. Misstates</p> <p>16 prior testimony. Vague. Calls for a legal conclusion</p> <p>17 and speculation.</p> <p>18 THE WITNESS: Our contract that you -- that</p> <p>19 Exhibit 1 that you handed me, specifically speaks to</p> <p>20 that we will follow the Performance-Based National</p> <p>21 Standards.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q I can ask my question again.</p> <p>24 As long as GEO's detainee work plan follows the</p> <p>25 PBNDS, you as the warden of Adelanto, have the</p> <p>Page 31</p>	<p>1 Q Yes, square footage?</p> <p>2 A Approximately 410,000 square feet.</p> <p>3 Q My understanding is that Adelanto is comprised</p> <p>4 with two units, which are designated as east and west;</p> <p>5 is that right?</p> <p>6 A Two buildings.</p> <p>7 Q Do you call them east unit or west unit, east</p> <p>8 or west? What's the terminology?</p> <p>9 A Commonly referred to as east and west.</p> <p>10 Q Okay. So that's what we'll use in this</p> <p>11 conversation; is that alright?</p> <p>12 A Yes, ma'am.</p> <p>13 Q What is the capacity of east?</p> <p>14 A 660 beds.</p> <p>15 Q Can you describe the layout, the physical</p> <p>16 layout, of east?</p> <p>17 A The east building has two housing units,</p> <p>18 Housing 1, which is on the south side of the building,</p> <p>19 Housing 2 is on the north side of the building. And in</p> <p>20 between the buildings, the living areas, there's our</p> <p>21 support services, which includes an intake, a laundry, a</p> <p>22 medical -- our medical department, a food service</p> <p>23 department. There's one courtroom. There's two law</p> <p>24 libraries. There's two multipurpose rooms. There's a</p> <p>25 female cosmetology room, if you want to call it,</p> <p>Page 33</p>

<p>1 barbering room. And there's a male barbering room. 2 Q With respect to the housing units in east, is 3 it correct that they're dormitory style housing units? 4 A Yes, ma'am. 5 Q What does that mean? 6 A They're open bay dormitories that have bunks in 7 them. 8 Q Bunk beds? 9 A Bunk beds. Some are single beds, the majority 10 are bunk beds. 11 Q How many -- so -- so there's the south side 12 living area and the north side living area. Does that 13 mean that there's two dorms in the south side and the 14 north side or are there several dorms in each area? 15 A In the Housing 1, which is the south side, 16 there's four dormitories that make up the one building. 17 On the north side, Housing 2, there's three open bay 18 dormitories that make up that building. 19 Q And how many bunks are in each of the dorms 20 that we've been discussing? 21 A They vary. 22 Q What's the range? 23 A The smallest is 29 bunks, that are general 24 population. And the largest is 118 bunks or beds, not 25 bunks. I'm sorry.</p> <p style="text-align: right;">Page 34</p>	<p>1 officials. 2 Q So GEO offices are on the first floor. ICE 3 offices are on the second floor of the administrative 4 building in east? 5 A Yes, ma'am. 6 Q Are detainees allowed to go inside that 7 building? 8 A No, ma'am. 9 Q For any purpose? 10 A No, ma'am. 11 Q Who cleans the administrative building outside 12 the secured perimeter of east? 13 A The administrative building is cleaned by staff 14 janitors. 15 Q GEO staff? 16 A GEO staff janitors. 17 Q How many GEO staff janitors do you employ? 18 A I'm authorized to employ seven. 19 Q Do you actually employ seven? 20 A I think at the moment we have six. 21 Q Have you always had -- have you always been 22 authorized to employ seven janitors since you became 23 warden of the Adelanto Facility? 24 MS. ARMSTRONG: Object to the form. Vague. 25 THE WITNESS: No.</p> <p style="text-align: right;">Page 36</p>
<p>1 Q What's the difference between a bed and a bunk? 2 A Well, a bed is individual, a bunk is two beds 3 comprised to make a bunk. 4 Q Okay. Thank you. 5 Are there dining halls in east? 6 A No. 7 Q Where do detainees eat their meals? 8 A In their living areas, in the dayrooms, they 9 are satellite fed. 10 Q So each dorm has its own dayroom? 11 A Yes. 12 Q Do two dorms ever share one dayroom? 13 A No. 14 Q All of these locations that we've been 15 discussing in east are all inside the secured perimeter; 16 is that right? 17 A Yes, ma'am. 18 Q Is there -- are there other administrative 19 offices outside the secured perimeter in east? 20 A Yes, ma'am. 21 Q Whose offices are those? 22 A You have my office, the business office, the 23 human resources office, our IT office. Records for the 24 east building and on the first floor and on the second 25 floor in the administrative offices is the ICE</p> <p style="text-align: right;">Page 35</p>	<p>1 BY MS. WRIGHT: 2 Q When did you become authorized to hire seven 3 janitors? 4 A Approximately 2000 -- summer of 2016, 5 approximately. 6 Q Before the summer of 2016, how many janitors 7 were you authorized to hire? 8 A Three. 9 Q Do you know why you were suddenly authorized in 10 the summer of '16 to hire four more janitors? 11 A Yes. We had an expansion of the facility in 12 July of 2015. And it became apparent to me that three 13 janitors were not sufficient to maintain all of the 14 administrative area. So I requested and I was approved 15 for seven. 16 Q Okay. You requested approval from GEO -- 17 A Yes. 18 Q -- to hire three more? 19 So these seven janitors, I understand that one 20 of those positions is currently unfilled, but the seven 21 janitors that you are authorized to hire at GEO, these 22 janitors are responsible for the administrative building 23 because detainees can't go outside the secured 24 perimeter; is that right? 25 MS. ARMSTRONG: Object to the form. Lacks</p> <p style="text-align: right;">Page 37</p>

<p>1 foundation. Misstates prior testimony. Calls for 2 speculation.</p> <p>3 THE WITNESS: Their primary work areas are the 4 administrative areas of GEO and ICE.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q Let's talk about west. How -- what's the 7 capacity of west?</p> <p>8 A 1,280 general population beds.</p> <p>9 Q Is there anything other than general population 10 beds?</p> <p>11 A We have restricted housing beds.</p> <p>12 Q Is that the same thing as Special Management 13 Unit housing?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Okay. So for general population beds, there 16 are 1,280 in west?</p> <p>17 A Yes.</p> <p>18 Q Can you describe for me the layout of west, 19 please?</p> <p>20 A The west building, you -- as you come into the 21 building and pass the lobby, to the left is a GEO 22 training room, training area and the ICE training area. 23 To the right is the DHS attorneys area for OPLA. As you 24 proceed down the corridor to the left, we have our five 25 courtrooms and our EOIR staff on the left side.</p> <p style="text-align: right;">Page 38</p>	<p>1 administrative offices. Way to the left, you also have 2 the contact visitation, the attorney visitation area.</p> <p>3 As you proceed to the main corridor, on the north side 4 of the hallway are four housing units of general 5 population, Housing 1, 2, 3 or excuse me, 2, 3, 4 and 5 6 as well as restricted housing. The west building also 7 has our main intake area for all males. It has our 8 medical department with medical observation rooms. As 9 you proceed down the corridor, the -- we have our 10 laundry, our maintenance, our laundry, our food service, 11 our dining hall, four dining halls. And we have two law 12 libraries at -- and two multiple purpose rooms.</p> <p>13 Q And what are the housing units like in west?</p> <p>14 A Housing unit, there's what we call four pods. 15 Each pod has a capacity of 80 for a grand total of 320 16 in each general population housing unit.</p> <p>17 Q And how many general population housing units 18 are there?</p> <p>19 A There's four.</p> <p>20 Q Okay. So each pod, are those also bunk bed 21 style dormitories in each pod?</p> <p>22 A No. The -- there's cells or secure rooms. 23 Sixteen of the rooms in each pod are four-man bunks or 24 four-man beds, two bunks, four beds. And two of the 25 rooms are eight beds, four bunks.</p> <p style="text-align: right;">Page 40</p>
<p>1 Q Could you, rather than using acronyms, could 2 you use the full phrase for the record, OPLA and EOIR?</p> <p>3 A I'll try.</p> <p>4 Q Appreciate it. Thanks. I won't hold you to 5 it.</p> <p>6 A Some of the titles, just commonly referred to, 7 but OPLA is -- I don't want to misstate what their 8 titles are, so...</p> <p>9 Q I won't tell anybody. It's okay.</p> <p>10 A I apologize.</p> <p>11 Q What is OPLA?</p> <p>12 A They're the DHS attorneys for the -- that 13 represent the government for the immigration 14 proceedings.</p> <p>15 Q Thank you.</p> <p>16 And EOIR, what is that?</p> <p>17 A EOIR is branch of the Department of Justice. 18 And it has -- the immigration judges work for the 19 Department of Justice as well as their staff.</p> <p>20 Q I'm sorry for interrupting your description 21 layout of west. So we're at the EOIR office.</p> <p>22 What's next?</p> <p>23 A The EOIR and the courtrooms are to the left. 24 Opposite of that EOIR area are some more ICE 25 administrative offices. And then the GEO west building</p> <p style="text-align: right;">Page 39</p>	<p>1 Q And they all open onto a shared space?</p> <p>2 A Yes. They're along the -- excuse me -- along 3 the back walls of the pod. And it has an open dayroom.</p> <p>4 Q Where are the bathrooms and the showers located 5 in west?</p> <p>6 A The toilets and sinks are in their rooms. And 7 the showers are on the first floor of the dayroom.</p> <p>8 Q And the Special Management Unit is also in 9 west; is that right?</p> <p>10 A For the men.</p> <p>11 Q Where is the woman's SMU?</p> <p>12 A It's at the east building.</p> <p>13 Q How -- what is the bed capacity for the woman's 14 SMU?</p> <p>15 A Total of 18.</p> <p>16 Q And what's the capacity for the men's SMU?</p> <p>17 A Total capacity 112.</p> <p>18 Q And medical segregation is also in east; is 19 that right?</p> <p>20 A We don't have a medical segregation. We have a 21 medical observation at west.</p> <p>22 Q What is medical observation? What does that 23 mean?</p> <p>24 A If medical staff determine a detainee needs 25 close observation for some sort of medical condition,</p> <p style="text-align: right;">Page 41</p>

<p>1 which our medical observation area also has negative 2 pressure rooms and if there's any reason to try to, if 3 medical would suspect the detainee has some sort of 4 contagious disease, the individual would be placed in a 5 negative pressure room and monitored to make -- to see 6 if, in fact, they actually have or positive for some 7 contagious disease. 8 Q You're talking about quarantine? 9 A If they get to the point to where say they have 10 confirmed chicken pox or confirmed something that could 11 be contagious to the population, the individual would be 12 quarantined to the negative pressure room until medical 13 determines otherwise. 14 Q Okay. Are there any administrative offices 15 outside the secured perimeter in west, like there are in 16 east? 17 A That are outside the secure area, yes. 18 Q And whose offices are those? 19 A That's where the DHS attorneys offices are. 20 ICE has their administrative offices, EOIR and some of 21 GEO's administrative offices. 22 Q And are detainees allowed in those spaces? 23 A No, ma'am. 24 Q So the seven janitors, the -- the seven 25 non-detainee janitors employed by GEO clean those</p> <p style="text-align: right;">Page 42</p>	<p>1 A Inside. 2 Q And who cleans the staff dining halls? 3 A Could be staff and occasionally detainees. 4 Q Why don't detainees clean the staff locker 5 rooms or the staff toilets? 6 MS. ARMSTRONG: Objection. Calls for 7 speculation. 8 THE WITNESS: The staff locker room areas are 9 outside of the secure perimeter. 10 BY MS. WRIGHT: 11 Q And detainees are not allowed outside of the 12 secured perimeter; is that right? 13 A That's correct. 14 Q Earlier we talked about GEO's ability to create 15 its own facility specific policies and procedures. 16 Do you remember that? 17 A Yes, ma'am. 18 Q And you testified, I think we agreed, that GEO 19 has the ability to create policies and procedures as 20 long as they are aligned with the PBNDS, as long as they 21 followed PBNDS; is that correct? 22 MS. ARMSTRONG: Objection. Misstates prior 23 testimony. Vague. 24 THE WITNESS: Are you speaking to GEO corporate 25 policy or local policy?</p> <p style="text-align: right;">Page 44</p>
<p>1 spaces? 2 A Yes, ma'am. 3 Q Where is the staff locker room or staff 4 toilets? 5 A The staff locker room is in the non-secure area 6 of the west building. And there's one in the 7 non-secured -- non-secured area of the east 8 administration. 9 Q Do detainees clean the staff locker room and 10 staff toilets in east and west? 11 A No. 12 Q Who cleans them? 13 A The janitors. 14 Q When you say "janitors," you mean the 15 non-detainee GEO employed janitors? 16 A Yes, ma'am. 17 Q It's a mouthful. 18 Is there a staff dining hall? 19 A Yes. 20 Q Where is that? 21 A One is in the -- off the main corridor of the 22 west building. And one is off the main corridor of the 23 east building. 24 Q Are they inside or outside the secured 25 perimeter?</p> <p style="text-align: right;">Page 43</p>	<p>1 BY MS. WRIGHT: 2 Q Let's do both. GEO corporate policy, does GEO 3 have the discretion to create a corporate policy -- let 4 me start over. 5 Is it correct that GEO has the discretion to 6 create a corporate policy as long as the policy is in 7 accord with the PBNDS? 8 MS. ARMSTRONG: Objection. Vague. 9 THE WITNESS: GEO corporate policy is a 10 reference and a guide that will speak to, that the local 11 facility will follow PBNDS, ACA, et cetera in a general 12 term. The local policies will reflect more the specific 13 terms in PBNDS and ACA. 14 BY MS. WRIGHT: 15 Q I'd like to hand you Exhibit 22. 16 (Plaintiffs' Exhibit 22 was marked for 17 identification by the Certified Shorthand Reporter and 18 attached hereto.) 19 MS. ARMSTRONG: So this was previously marked 20 as 22? 21 MS. WRIGHT: It's being now marked as 22. 22 MS. ARMSTRONG: Got it. 23 BY MS. WRIGHT: 24 Q Exhibit 22 is a chapter from the GEO Adelanto 25 ICE Processing Center Policy and Procedure Manual. It's</p> <p style="text-align: right;">Page 45</p>

<p>1 titled Chapter: Detainee Work Program. The title is 2 Detainee Work Plan. And the policy number is 8.1.8. 3 Is that all correct? 4 A Yes, ma'am. 5 Q Have you seen this before? 6 A Yes, ma'am. 7 Q So what is this document? 8 A It's the detainee work plan. 9 Q It's GEO's detain -- excuse me. It's GEO's 10 detainee work plan for implementation at the Adelanto 11 Facility; right? 12 A Yes. 13 Q If you look at -- flip to the last page. It's 14 dated June 15th, 2018; right? 15 A That's the last reviewed and revised date of 16 this document. 17 Q So this is the accurate and most up-to-date 18 detainee work plan at the Adelanto Facility? 19 A This is the most recent that I have, yes. 20 Q And this Policy 8.1.8 governs the 21 implementation of the work program at Adelanto? 22 A Yes. 23 Q Would you agree that there's only one Voluntary 24 Work Program at Adelanto? 25 A Say that again. I'm sorry.</p> <p style="text-align: right;">Page 46</p>	<p>1 Q Do you agree that that's the policy of the 2 detainee work program at Adelanto? 3 A That's part of the policy. 4 Q What's the rest of the policy? 5 A Well, it's -- the Voluntary Work Program is not 6 only to be able to work or earn money, but it's also to 7 eliminate or help eliminate idleness in the housing 8 units and amongst the population. And it allows for 9 them to socialize with other individuals while they're 10 out at a -- working. 11 Q If you look at Section II-B of Policy 8.1.8? 12 A Okay. 13 Q Voluntary Work Program Objectives, I think this 14 is what you were starting to describe. This says that 15 the objectives of the Voluntary Work Program at Adelanto 16 are as follows: "One, physically and mentally able 17 detainees are gainfully employed while contributing to 18 the orderly operation of the facility. Two, essentially 19 operations and services improve through the productivity 20 of detainees. And, three, inactivity-induced idleness 21 and disciplinary-code violations will decline." 22 Did I read that correctly? 23 A Yes, ma'am. 24 Q Do you agree that these are the three 25 objectives of the Voluntary Work Program at the Adelanto</p> <p style="text-align: right;">Page 48</p>
<p>1 Q Would you agree that there's only one detainee 2 work program at Adelanto and it's governed by this 3 policy? 4 A Yes. 5 Q Is your screen working in front of you? 6 A Oh, yes. I'm sorry. 7 Q How are detainees notified about this policy? 8 A I can't speak to that. It is a reference in 9 the handbook as to what the Voluntary Work Program is 10 and what the opportunities are. 11 Q And is this Policy 8.1.8 applied to all 12 detainees at Adelanto? 13 A Yes, ma'am. 14 Q It's applied the same way to all detainees at 15 Adelanto? 16 A All detainees, yes, that are eligible to work. 17 Q If you look at -- did that zoom in on your 18 screen? 19 A That helps. 20 Q What I've highlighted here, this Policy 8.1.8, 21 this document says that the policy is to provide 22 detainees the opportunity to participate in a Voluntary 23 Work Program and earn money. 24 Did I read that correctly? 25 A Yes, ma'am.</p> <p style="text-align: right;">Page 47</p>	<p>1 Facility? 2 A Those are three of the objectives, yes. 3 Q Are there other objectives of the Voluntary 4 Work Program that are not listed here in Policy 8.1.8? 5 A Not as written, no. That's what it states. 6 Q As warden of the Adelanto Detention Center, are 7 there other objectives that you think should be written 8 here? 9 A There's no other objectives, no. 10 Q Let's turn to page 2 of 7 of this document. 11 The Bates number at the bottom is GEO-Novoa-222. If you 12 look at Section C. Again, it's on the screen in front 13 of you too. Section C is titled Required Work 14 Assignments. The very first sentence is, "Work 15 assignments are voluntary." 16 What does that mean? 17 A They're voluntary. The detainee has the choice 18 to work or not work. 19 Q So an inmate in a correctional facility can be 20 compelled to work for the maintenance and operation of 21 the facility; right? 22 A Yes. 23 Q But immigration detention is civil. It's not 24 criminal; is that correct? 25 A Correct.</p> <p style="text-align: right;">Page 49</p>



<p>1 Q In the context of civil detention, detainees 2 cannot be compelled to work for the operation, 3 maintenance of the facility; is that right? 4 A Correct. 5 Q So the word voluntary here refers to that 6 distinction; right? Unlike criminal inmates at 7 Adelanto, detainees cannot be forced to do work or 8 compelled to do work, but they can elect to apply for a 9 job. 10 Would you agree? 11 A Strictly their choice, yes. 12 Q So you would agree? 13 And, in fact, GEO permits detainees to work for 14 money in exchange for money? 15 A Yes. 16 Q So they're not working for free? 17 A No. 18 Q The -- let's look at the remainder of this 19 paragraph. "Detainees are not required to work except 20 to do personal housekeeping and to clean their housing 21 area." 22 Do you see that? 23 A Uh-huh, yes, ma'am. 24 Q Now, this first part of the sentence, 25 "Detainees are not required to work except to do</p> <p style="text-align: right;">Page 50</p>	<p>1 objects from beds, overhead lighting fixtures or other 2 furniture." 3 Did I read that correctly? 4 A Yes, ma'am. 5 Q And outside of these four housekeeping, 6 personal housekeeping tasks that are listed here in 7 PBNDS 5.8.5.C, detainees at Adelanto cannot be compelled 8 or forced to work; is that accurate? 9 A Correct. 10 Q Is this personal housekeeping requirement 11 enforced at Adelanto? 12 A Yes. 13 Q How are detainees notified of the personal 14 housekeeping requirement? 15 A It's in their handbook. There's also a 16 photograph of a properly kept room or living space 17 that's posted on the detainee bulletin boards. 18 Q And does the personal housekeeping requirement 19 apply to all detainees at Adelanto? 20 A Yes. 21 Q Let's go back to Policy 8.1.8, Exhibit 22. So 22 detainees are not required to work except to do personal 23 housekeeping and to clean their housing area. 24 What does this portion of the sentence mean, to 25 clean their housing area?</p> <p style="text-align: right;">Page 52</p>
<p>1 personal housekeeping," that's referring to the personal 2 housekeeping requirement of the PBNDS; isn't it? 3 A Say that again. I'm sorry. 4 Q Personal housekeeping refers to the personal 5 housekeeping requirements that is a part of the PBNDS? 6 A That's correct. Housekeeping and Voluntary 7 Work Program are totally separate, but, yes, it refers 8 to a section of PBNDS. 9 Q Okay. Great. Let's look at that section. If 10 you turn to Exhibit 2, the PBNDS, and go ahead and flip 11 to page 406. I can also just put it in front of you, if 12 you prefer, easier. 13 A Okay. 14 Q So PBNDS Section 5.8.5 C, which is reflected 15 here in Exhibit 2, requires detainees to maintain their 16 immediate living areas in a neat and orderly manner; 17 right? That's what it says? 18 A Yes. 19 Q And it specifies exactly how that's to be done. 20 It says, "Detainees are required to maintain their 21 immediate living areas in a neat and orderly manner by, 22 one, making their bunk beds daily. Two, stacking loose 23 papers. Three, keeping the floor free of debris and 24 divider free of clutter. And, four, refraining from 25 hanging/draping clothing, pictures, keepsakes or other</p> <p style="text-align: right;">Page 51</p>	<p>1 A Housing area also includes the common area, the 2 dayrooms where they sit, where they eat, where they 3 socialize. 4 Q What provision of the PBNDS permits GEO to 5 require detainees to do anything other than the four 6 personal housekeeping tasks that we just discussed? 7 A Do you mind if I refer back to this? 8 Q Please do. 9 A Thanks. 10 MS. ARMSTRONG: What page was it, 406? 11 MS. WRIGHT: 406 is the personal housekeeping 12 requirement. 13 THE WITNESS: Well, No. 2 and No. 3, because 14 it's part of their immediate living areas of stacking 15 loose papers, keeping the floor free of debris and 16 dividers free of clutter is -- can refer to, because 17 their living area encompasses their area where they eat, 18 where they socialize, where they watch TV. 19 BY MS. WRIGHT: 20 Q Does that include the showers and the 21 restrooms? 22 A The -- the volunteer work program employs 23 detainees that takes care of the shower area. 24 Q Okay. I'm going to hand you Exhibit 23. 25 ///</p> <p style="text-align: right;">Page 53</p>



<p>1 (Plaintiffs' Exhibit 23 was marked for 2 identification by the Certified Shorthand Reporter and 3 attached hereto.) 4 BY MS. WRIGHT: 5 Q This is another chapter from the Policy and 6 Procedure Manual. It's got the GEO logo at the top and 7 it says Adelanto ICE Processing Center. The chapter is 8 Sanitation. The title is Sanitation 9 Procedures/Housekeeping Plan. And the policy number is 10 12.1.4. 11 Are you familiar with Exhibit 23? 12 A Yes. 13 Q And if you flip to the back or you can just 14 look at the screen, it's dated February 20th, 2018; is 15 that right? 16 A Yes, ma'am. 17 Q And is that your signature where it says 18 approved? 19 A Yes, ma'am. 20 Q So you approved of Policy 12.1.4? 21 A My -- yes. 22 Q What is this policy? 23 A It's our housekeeping plan. 24 Q What does that mean? 25 A Basic -- it's a policy that gives general</p> <p style="text-align: right;">Page 54</p>	<p>1 living area, including walls, floors, sink, toilet, 2 windows and other property within the cell room or 3 living area." 4 Did I get that right? 5 A Yes, ma'am. 6 Q Then it says -- I'm sorry. Is this -- is this 7 accurate, detainees at the Adelanto Facility are 8 responsible for the cleanliness of his or her cell or 9 living area including walls, floors, sinks, toilets, 10 windows and other property within the cell room or 11 living area? 12 A Yes. 13 Q My screen froze. 14 How are detainees notified of this policy? 15 A It's a notice in the handbook. I lost my -- 16 Q We'll keep going. 17 A I'll look at the hard copy. 18 MS. ARMSTRONG: Lydia, I would like to take a 19 break whenever there's a good stopping point for you. 20 MS. WRIGHT: Maybe we'll go five more minutes. 21 Q Are detainees paid to clean the walls, floors, 22 sinks, toilets, windows and other property within their 23 cells rooms or living areas pursuant to policy 12.1.4? 24 A If the detainee is part -- has volunteered for 25 a position as a housing unit janitor or porter, they</p> <p style="text-align: right;">Page 56</p>
<p>1 guidance to the sanitation and housekeeping of the 2 facility. 3 Q Is this policy implemented at Adelanto? 4 A Yes, ma'am. 5 Q Is this the current version of this policy? 6 A To my knowledge, yes. 7 Q Is this -- does this policy apply to all 8 detainees at Adelanto? 9 A I'm familiar with the policies, without the 10 details of sitting here reading it, but if it's based on 11 PBNDS standards, it would apply to all the population. 12 Q What work does GEO -- well, actually, let's 13 just start at the top. So if you look at the first page 14 of the policy, this says that the policy is to provide 15 staff and detainees with a clean sanitary living 16 environment consistent with all applicable codes 17 standards and sound detention practice; is that right? 18 A That's correct. 19 Q Please turn to page 2 of Exhibit 23, the Bates 20 number at the bottom is GEO-Novoa-516. Start at the 21 top, Detainees Sanitation Responsibilities. 22 Do you see that? 23 A Yes. 24 Q It says, quote, "Each detainee will be 25 responsible for the cleanliness of his or her cell or</p> <p style="text-align: right;">Page 55</p>	<p>1 will be paid. 2 Q Are all detainees who participate in this work 3 that we have been discussing paid? 4 A Detainees do clean their own cells and rooms 5 and bunks. That's part of the responsibility of living 6 in that room. 7 Q So this says each detainee is responsible for 8 the enumerative tasks listed here on page 2? 9 A Okay. 10 Q Is every detainee paid to do these tasks? 11 A Not to clean their cell or room, no. 12 Q Or the walls, floors, sink, toilet, windows and 13 other property? 14 A The walls, sinks, toilets are part of their 15 room. 16 Q Okay. Looks like we're back online. 17 Can you read this? Well, the next -- skip the 18 next paragraph. The third paragraph under section B, it 19 says, "Cleaning materials and articles for cleaning will 20 be issued by the dormitory officer to each detainee. 21 The detainee is responsible for the proper use and care 22 of these articles." 23 Is that correct? 24 A It's what it states, yes, ma'am. 25 Q And is that policy implemented at the Adelanto</p> <p style="text-align: right;">Page 57</p>

<p>1 Detention Center?</p> <p>2 A Cleaning supplies are available to every</p> <p>3 detainee in that living area.</p> <p>4 Q And the detainees are expected to use the</p> <p>5 cleaning supplies that are provided by GEO to clean</p> <p>6 their housing areas; is that right?</p> <p>7 A It's preferred they use the cleaning supplies</p> <p>8 that are provided.</p> <p>9 Q What other cleaning supplies would they use?</p> <p>10 A Some they just decide to use water and just</p> <p>11 water, if they choose to do so.</p> <p>12 Q Section C, titled Dormitory Sanitation, this</p> <p>13 says, "At 6:00 a.m. each day, the following items will</p> <p>14 be issued." And then there's a list of items. Mops and</p> <p>15 buckets, brooms, scrub brushes, cleaning rags and</p> <p>16 cleaning chemicals. Is -- is this what happens at</p> <p>17 Adelanto at 6:00 a.m. each day, those items, those</p> <p>18 cleaning items are issued to detainees?</p> <p>19 A At approximately 6:00 a.m. the officer opens up</p> <p>20 the janitorial supply room and makes it available to the</p> <p>21 detainees that live in that living area.</p> <p>22 Q And that -- this applies to all detainees, so</p> <p>23 in east and west?</p> <p>24 A East is a little bit different than west. At</p> <p>25 east, we'll have janitorial carts that will be pushed</p> <p>Page 58</p>	<p>1 1 A Sure.</p> <p>2 2 THE VIDEOGRAPHER: We are going off the record.</p> <p>3 10:15 3 The time is a.m.</p> <p>4 4 (Whereupon a recess was taken.)</p> <p>5 5 THE VIDEOGRAPHER: We are going back the on</p> <p>6 10:32 6 record. The time is a.m.</p> <p>7 7 BY MS. WRIGHT:</p> <p>8 8 Q Mr. Janecka, I'm going to hand you Exhibit 24.</p> <p>9 9 (Plaintiffs' Exhibit 24 was marked for</p> <p>10 10 identification by the Certified Shorthand Reporter and</p> <p>11 11 attached hereto.)</p> <p>12 12 BY MS. WRIGHT:</p> <p>13 13 Q This another chapter from the GEO Policy and</p> <p>14 14 Procedure Manual. It's again reflected on the screen in</p> <p>15 15 front of you. The chapter is Post Orders. The title is</p> <p>16 16 Housing Unit Officer. And the policy number is</p> <p>17 17 10.3.5-ADF.</p> <p>18 18 Do you see that?</p> <p>19 19 A Yes, ma'am.</p> <p>20 20 Q And the ADF refers to the Adelanto Detention</p> <p>21 21 Facility?</p> <p>22 22 A Yes, ma'am.</p> <p>23 23 Q If you flip it over to the back, this policy</p> <p>24 24 10.3.5, which is Exhibit 24, was effective on September</p> <p>25 25 2nd, 2016; is that right?</p> <p>Page 60</p>
<p>1 into a dayroom area. And it's available to the</p> <p>2 population.</p> <p>3 Q But to participate in this sanitation program,</p> <p>4 which is policy 12.1.4, a detainee does not have to be</p> <p>5 hired into the Voluntary Work Program; is that right?</p> <p>6 A This isn't -- this is a housekeeping plan, not</p> <p>7 a work program. This is basic sanitation and hygiene</p> <p>8 for the individual detainees. We do have dorm porters</p> <p>9 that are part of the Voluntary Work Program that will</p> <p>10 get paid to do detailed cleaning of the living area, in</p> <p>11 addition to detainees responsible for their own living</p> <p>12 area.</p> <p>13 Q Okay. Thank you for that.</p> <p>14 So if I'm understanding correctly, there's the</p> <p>15 Voluntary Work Program, separate from that is the</p> <p>16 personal housekeeping requirements. And then we have</p> <p>17 the sanitation policy?</p> <p>18 A The sanitation.</p> <p>19 MS. ARMSTRONG: Objection. Object to the form.</p> <p>20 Misstates prior testimony.</p> <p>21 THE WITNESS: The housekeeping requirement is</p> <p>22 part of the hygiene and sanitation policy.</p> <p>23 BY MS. WRIGHT:</p> <p>24 Q Okay. Why don't we take that break that your</p> <p>25 counsel requested.</p> <p>Page 59</p>	<p>1 A This policy, yeah, or post order, yes, ma'am.</p> <p>2 Q And is that your signature next to the word</p> <p>3 approved?</p> <p>4 A Yes.</p> <p>5 Q And are these your initials at the bottom of</p> <p>6 every page?</p> <p>7 A Yes.</p> <p>8 Q With the date September 6th, 2016?</p> <p>9 A Yes.</p> <p>10 Q What are post orders?</p> <p>11 A They're specific instructions to officers on a</p> <p>12 certain duty post.</p> <p>13 Q What is the duty post to which these post</p> <p>14 orders apply?</p> <p>15 A This is for housing unit officer.</p> <p>16 Q Has this policy been implemented at the</p> <p>17 Adelanto Detention Center?</p> <p>18 A This post order.</p> <p>19 Q What's the different of -- difference between a</p> <p>20 post order and a policy?</p> <p>21 A Post orders are -- give more specific</p> <p>22 instruction to a specific duty post. And policies give</p> <p>23 a general guidance specific to PBNDS standards, ACA</p> <p>24 standards.</p> <p>25 Q And this specific post order is implemented at</p> <p>Page 61</p>

<p>1 the Adelanto Detention Facility; is that right?</p> <p>2 A This was implemented in September of 2016. It</p> <p>3 may not be the most. It may not be the newest post</p> <p>4 order, but this is the post order from 2016.</p> <p>5 Q How often do you revise post orders?</p> <p>6 A They're reviewed annually and revised as</p> <p>7 necessary.</p> <p>8 Q Do you know whether this Post Order No. 1035</p> <p>9 has been revised since 2016?</p> <p>10 A I don't know.</p> <p>11 Q If you turn to page 3 of this document, which</p> <p>12 is Bates No. GEO-Novoa-2179, we'll look at living --</p> <p>13 Section D is living area/bed and locker assignments.</p> <p>14 Do you see that? Mr. Janecka, do you see?</p> <p>15 A Yes, I see it. I'm sorry.</p> <p>16 Q And the first sentence under Section D says,</p> <p>17 "All detainees in a unit are required to keep clean and</p> <p>18 sanitary all commonly accessible areas of the unit</p> <p>19 including walls, floors, windows, window ledges,</p> <p>20 showers, sinks, microwaves, tables and chairs."</p> <p>21 Did I read that correctly?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Is this a correct statement about what happens</p> <p>24 at the Adelanto Detention Center?</p> <p>25 A Yes, ma'am.</p> <p>Page 62</p>	<p>1 Q So the answer to my question is yes?</p> <p>2 MS. ARMSTRONG: Objection. Misstates prior</p> <p>3 testimony.</p> <p>4 THE WITNESS: The answer to your question is</p> <p>5 that's exactly how this post order reads, dated</p> <p>6 September 6th of '16.</p> <p>7 BY MS. WRIGHT:</p> <p>8 Q I'm asking a different question. I'm asking is</p> <p>9 this policy in effect at the Adelanto Detention Center</p> <p>10 as we sit here today?</p> <p>11 A As I stated earlier, I don't know if this post</p> <p>12 order has been revised since this date.</p> <p>13 Q As we sit here today, at the Adelanto Detention</p> <p>14 Center, if detainees in the unit do not clean the area</p> <p>15 after being instructed to do so, is it correct that the</p> <p>16 television will be turned off and the detainees will not</p> <p>17 be permitted to participate in any activities or</p> <p>18 programs until the unit is cleaned?</p> <p>19 A I -- not to my knowledge.</p> <p>20 Q Is it correct that as we sit here today, at the</p> <p>21 Adelanto Facility, continued refusal to clean the area</p> <p>22 will result in further disciplinary action?</p> <p>23 A PBNDS does allow the disciplinary action can be</p> <p>24 taken for failure to clean their living areas.</p> <p>25 Q My question, again, was continued -- is it</p> <p>Page 64</p>
<p>1 Q So all detainees at Adelanto are required to</p> <p>2 keep clean and sanitary all commonly accessible areas of</p> <p>3 the unit, including walls, floors, windows, window</p> <p>4 ledges, shower, sinks, microwaves, tables and chairs; is</p> <p>5 that correct?</p> <p>6 A Yes. Yes.</p> <p>7 Q This policy applies to both east and west?</p> <p>8 A Yes.</p> <p>9 Q How are detainees notified about this policy?</p> <p>10 A There's a notice in the detainee handbook.</p> <p>11 Q If you look at No. 3, D-3, I keep trying to</p> <p>12 expand it on the paper. If you look at the portion that</p> <p>13 I've highlighted in D-3, it says, "If the detainees in a</p> <p>14 unit do not clean the area after being instructed to do</p> <p>15 so, the television will be turned off and the detainees</p> <p>16 will not be permitted to participate in any</p> <p>17 activities/programs until the unit is cleaned.</p> <p>18 Continued refusal to clean the area will result in</p> <p>19 future disciplinary action."</p> <p>20 Did I read that correctly?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Is that a correct and true statement of the</p> <p>23 policy at the Adelanto Detention Center?</p> <p>24 A That is accurate as this post order reads, yes,</p> <p>25 ma'am.</p> <p>Page 63</p>	<p>1 correct that continued refusal to clean the area will</p> <p>2 result in further disciplinary action, yes or no?</p> <p>3 MS. ARMSTRONG: Objection. Asked and answered.</p> <p>4 Argumentative.</p> <p>5 THE WITNESS: It can, but not necessarily</p> <p>6 always.</p> <p>7 BY MS. WRIGHT:</p> <p>8 Q So continued refusal to clean the area can</p> <p>9 result in further disciplinary action is a correct</p> <p>10 statement as applied to the Adelanto Detention Center</p> <p>11 today?</p> <p>12 A State that again, please.</p> <p>13 Q "Continued refusal to clean the area can result</p> <p>14 in further disciplinary action."</p> <p>15 Is that a correct and true statement as applied</p> <p>16 to the Adelanto Detention Center today?</p> <p>17 MS. ARMSTRONG: Object to the form. Vague.</p> <p>18 THE WITNESS: It can, yes, in accordance with</p> <p>19 PBNDS standards.</p> <p>20 BY MS. WRIGHT:</p> <p>21 Q The answer my question is -- it's a yes or no</p> <p>22 question.</p> <p>23 MS. ARMSTRONG: Object. Argumentative. Asked</p> <p>24 and answered. He can give more than a yes or no answer</p> <p>25 to your yes or no question. You can't instruct him not</p> <p>Page 65</p>

<p>1 to give a further answer.</p> <p>2 THE WITNESS: It can, yes.</p> <p>3 BY MS. WRIGHT:</p> <p>4 Q What is the further disciplinary action that</p> <p>5 GEO can take against the detainee who refuses to clean</p> <p>6 his or her commonly accessible areas, including walls,</p> <p>7 floors, windows window ledges, showers, sinks,</p> <p>8 microwave, tables and chairs?</p> <p>9 MS. ARMSTRONG: Objection. Vague. Compound.</p> <p>10 THE WITNESS: I'm not specific with the details</p> <p>11 of each category of the disciplinary sanctions in PBNDS,</p> <p>12 but the different levels of disciplinary infractions are</p> <p>13 governed by the PBNDS standards as to the sanctions that</p> <p>14 can be imposed.</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q I'm going to hand you Exhibit 25.</p> <p>17 (Plaintiffs' Exhibit 25 was marked for</p> <p>18 identification by the Certified Shorthand Reporter and</p> <p>19 attached hereto.)</p> <p>20 BY MS. WRIGHT:</p> <p>21 Q This is the GEO Adelanto ICE Processing Center</p> <p>22 Supplemental Detainee Handbook. If you look at the</p> <p>23 bottom left-hand corner -- and, again, I'll display it</p> <p>24 on your screen -- Version 4.1.4, Detainee Handbook. And</p> <p>25 it looks like the date is October 9th, 2018.</p> <p>Page 66</p>	<p>1 of 13 penalties and a list of seven acts, which may be</p> <p>2 subject to disciplinary penalty; is that right?</p> <p>3 A Yes.</p> <p>4 Q If you look at No. 306. Offense No. 306 says,</p> <p>5 "Refusal to clean assigned living area."</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q So is it correct that refusal to clean assigned</p> <p>9 living area pursuant to GEO's disciplinary policy can be</p> <p>10 punished -- punishable by any one of these 13</p> <p>11 punishments, penalties?</p> <p>12 MS. ARMSTRONG: Objection. Compound. Vague.</p> <p>13 THE WITNESS: Again, in accordance with PBNDS,</p> <p>14 those sanctions may be imposed, yes.</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q What is disciplinary transfer, which is the</p> <p>17 second penalty listed under Category III Offenses?</p> <p>18 A I'm not familiar with the disciplinary</p> <p>19 transfer.</p> <p>20 Q You don't know what this means?</p> <p>21 A I would have to make an assumption. And I</p> <p>22 don't want to make an assumption. I'm not familiar with</p> <p>23 that sanction.</p> <p>24 Q What do you think it means?</p> <p>25 A I --</p> <p>Page 68</p>
<p>1 Is that correct?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Are you familiar with this document?</p> <p>4 A Yes, ma'am.</p> <p>5 Q In fact, if you flip over to the back, is that</p> <p>6 your signature above the line that says facility</p> <p>7 administrator?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And the date is October 9th, 2018?</p> <p>10 A Yes, ma'am.</p> <p>11 Q What is this document?</p> <p>12 A It's our Local Supplemental Detainee Handbook.</p> <p>13 Q What do you use this document for?</p> <p>14 A Each detainee receives it upon intake as a</p> <p>15 general guide to -- informational guide while they're</p> <p>16 detained at the detention facility.</p> <p>17 Q Turn, if you would, to page 29, the Bates stamp</p> <p>18 is 3853, GEO-Novoa. This is the -- this a portion of</p> <p>19 the section that's entitled detainee disciplinary</p> <p>20 process. We're looking at Category III Offenses. At</p> <p>21 the top, which I've highlighted here, says, "These are</p> <p>22 considered to be Category III or High, Moderate</p> <p>23 Offenses. The discipline committee may impose any</p> <p>24 combination of penalties from Category IV offenses as</p> <p>25 well as the following penalties." Then there's a list</p> <p>Page 67</p>	<p>1 Q As the warden of the Adelanto Detention Center?</p> <p>2 A I don't have the authority at my level to</p> <p>3 transfer a detainee from the facility.</p> <p>4 Q But that's what detainee transfers means, that</p> <p>5 the detainee would be transferred to another facility?</p> <p>6 A Reading it, it would be a transfer somewhere.</p> <p>7 I don't know. I'm not familiar with that sanction.</p> <p>8 Q So as -- your testimony is that as the warden</p> <p>9 of the Adelanto Detention Center for about five years,</p> <p>10 you do not know what the disciplinary penalty</p> <p>11 disciplinary transfer refers to?</p> <p>12 MS. ARMSTRONG: Objection. Asked and answered.</p> <p>13 THE WITNESS: To my knowledge, I've never used</p> <p>14 it. I'm not familiar with it.</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q What is a disciplinary restriction up to 72</p> <p>17 hours? What does that mean?</p> <p>18 A It would mean that a detainee is placed in a</p> <p>19 restricted housing area for up to 72 hours.</p> <p>20 Q What is a restricted housing area?</p> <p>21 A As I described earlier this morning, we have a</p> <p>22 restricted housing area that has the 112 beds in it at</p> <p>23 the men's side.</p> <p>24 Q And 18 beds in the SMU for women; is that</p> <p>25 right?</p> <p>Page 69</p>

<p>1 A That's correct.</p> <p>2 Q So a punishment for refusing to clean assigned</p> <p>3 living area pursuant to the sanitation policy, 12.1.4,</p> <p>4 is disciplinary restriction up to 72 hours; is that</p> <p>5 correct?</p> <p>6 A According to this -- the sanctions that are</p> <p>7 written in accordance with PBNDS, it may be a sanction,</p> <p>8 yes.</p> <p>9 Q Though 118 SMU beds in east, is that the same</p> <p>10 thing as solitary confinement?</p> <p>11 A The -- the terminology solitary confinement, we</p> <p>12 don't use. I don't use. And my staff don't use. We</p> <p>13 don't have a solitary confinement. All of our rooms on</p> <p>14 the disciplinary side of restricted housing are double</p> <p>15 bunk.</p> <p>16 Q Is there a -- so disciplinary restriction means</p> <p>17 being put in a room with one other person in a double</p> <p>18 bunk?</p> <p>19 A I didn't write the definition for solitary, but</p> <p>20 solitary would seem to be alone.</p> <p>21 Q So my question is disciplinary restriction at</p> <p>22 the Adelanto Detention Center means placing a detainee</p> <p>23 in a cell with one other detainee?</p> <p>24 A It's not the -- can you clarify that, because I</p> <p>25 don't understand exactly the question you're asking?</p> <p>Page 70</p>	<p>1 Q Or from west to east?</p> <p>2 A They may be, yes.</p> <p>3 Q Approximately how many people are in</p> <p>4 disciplinary restriction at the Adelanto Facility on a</p> <p>5 weekly basis?</p> <p>6 A Monday morning, there was one. And he wasn't</p> <p>7 on disciplinary status.</p> <p>8 Q What status was he on?</p> <p>9 A Facility initiated status.</p> <p>10 Q What does that mean?</p> <p>11 A It means he has chose to live in the restricted</p> <p>12 housing east side, which is a housing area that</p> <p>13 disciplinary detention detainees are housed in. And he</p> <p>14 has chose to live -- live there for his own personal</p> <p>15 reasons.</p> <p>16 Q What's the difference between disciplinary</p> <p>17 segregation and administrative segregation?</p> <p>18 A Administrative segregation are detainees or</p> <p>19 houses detainees that have not been sanctioned.</p> <p>20 Disciplinary detainees have been sanctioned.</p> <p>21 Q So with respect to this policy, that's in this</p> <p>22 Supplemental Detainee Handbook, Exhibit 25, refusal to</p> <p>23 clean assigned living area can result in disciplinary</p> <p>24 action of being placed in disciplinary restriction or</p> <p>25 disciplinary segregation; is that correct?</p> <p>Page 72</p>
<p>1 Q Sure.</p> <p>2 Is it the case that detainees are placed into</p> <p>3 disciplinary restriction alone?</p> <p>4 A In a -- in a room alone?</p> <p>5 Q Yes, correct?</p> <p>6 A They can be.</p> <p>7 Q But that's not always the case?</p> <p>8 A No.</p> <p>9 Q Because sometimes a detainee who is placed into</p> <p>10 disciplinary restriction will have a roommate; is that</p> <p>11 right?</p> <p>12 A They can.</p> <p>13 Q Okay. And two bunks means two people or does</p> <p>14 it mean four people?</p> <p>15 A Let me clarify, two beds, one bunk.</p> <p>16 Q Okay. Change of housing is the sixth penalty</p> <p>17 that can be imposed for refusal to clean assigned living</p> <p>18 area at the Adelanto Facility.</p> <p>19 What does change of housing mean?</p> <p>20 A They would -- they may be moved to another</p> <p>21 appropriate housing unit appropriate to their custody</p> <p>22 level.</p> <p>23 Q Does that mean that somebody could be moved</p> <p>24 from east to west?</p> <p>25 A They may be.</p> <p>Page 71</p>	<p>1 MS. ARMSTRONG: Object to the form. Compound.</p> <p>2 Vague.</p> <p>3 THE WITNESS: As written, it may -- it may be a</p> <p>4 sanction.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q So the answer to my question is yes?</p> <p>7 MS. ARMSTRONG: Objection. Asked and answered.</p> <p>8 THE WITNESS: It's one of the 13 sanctions that</p> <p>9 are allowed by PBNDS.</p> <p>10 BY MS. WRIGHT:</p> <p>11 Q And by GEO?</p> <p>12 A GEO as governed by contract to follow PBNDS</p> <p>13 standards.</p> <p>14 Q So if a detainee refuses to clean assigned</p> <p>15 living area, GEO can decide to put that person in</p> <p>16 disciplinary restriction for up to 72 hours; is that</p> <p>17 correct?</p> <p>18 A It's one of the allowed sanctions by PBNDS that</p> <p>19 may be imposed.</p> <p>20 Q So the answer to my question is yes?</p> <p>21 MS. ARMSTRONG: Objection. Asked and answered.</p> <p>22 THE WITNESS: My answer is it's one of 13</p> <p>23 sanctions that may be imposed.</p> <p>24 BY MS. WRIGHT:</p> <p>25 Q I'm not asking what the PBNDS allows. I'm</p> <p>Page 73</p>



<p>1 asking what GEO can do at the Adelanto Facility. So let 2 me ask this question again. 3 At Adelanto, if a detainee refuses to clean the 4 assigned living area, does GEO have the ability to put 5 that person in disciplinary restriction for up to 72 6 hours? 7 MS. ARMSTRONG: Objection. Asked and answered. 8 THE WITNESS: It's one of 13 sanctions that are 9 allowed by the PBNDS standards. 10 BY MS. WRIGHT: 11 Q Does it ever happen at the GEO facility that 12 when a detainee refuses to clean their assigned living 13 area, they are put into disciplinary restriction? 14 A Not to my knowledge. 15 Q That has never happened, to your knowledge, at 16 the Adelanto Facility? 17 A Not to my knowledge, since I've been there. 18 Q Let's look at page 28 of this document. We're 19 still on Exhibit 25. The Bates number is 20 GEO-Novoa-3852. Under the section titled Category II 21 Offenses says, "These acts listed below shall be 22 considered Category II or High Offenses. The discipline 23 committee may impose any combination of penalties from 24 Category III or IV Offenses as well as the following 25 penalties."</p> <p style="text-align: right;">Page 74</p>	<p>1 familiar with. 2 BY MS. WRIGHT: 3 Q Make an assumption. 4 A I'm not going to make an assumption. I -- it's 5 a disciplinary transfer. I've never used it, nor am I 6 familiar with it. 7 Q You signed this handbook; didn't you? We've 8 already covered that? 9 A Yes. 10 Q Have you read this handbook? 11 A Yes. 12 Q Is it your practice to sign documents when you 13 don't know what the content means? 14 MS. ARMSTRONG: Objection. Argumentative. 15 He's answered that. He doesn't know what that means. 16 Can we move on? 17 THE WITNESS: I'm not familiar with that 18 sanction. 19 BY MS. WRIGHT: 20 Q Another sanction for encouraging others to 21 participate in a work stoppage or to refuse to work is 22 disciplinary restriction up to 30 days; is that correct? 23 A Yes, ma'am. 24 Q And we already discussed that disciplinary 25 restriction means placement in a special management</p> <p style="text-align: right;">Page 76</p>
<p>1 Do you see that? 2 A Yes, ma'am. 3 Q Okay. And continuing onto page 29 of the same 4 document, the very top, Offense No. 214 is encouraging 5 others to participate in a work stoppage or to refuse to 6 work; is that correct? 7 A It's what it states, yes. 8 Q And at the Adelanto Facility, encouraging 9 others to participate in a work stoppage or a refuse to 10 work is punishable by any one of these 12 penalties that 11 are listed on page 28; is that correct? 12 A They may be imposed, yes. 13 Q Here we see again that Penalty No. 2 is 14 disciplinary transfer. And in parentheses it says 15 recommended; is that right? 16 A Yes. 17 Q But your testimony is you do not know what this 18 means, disciplinary transfer means? 19 MS. ARMSTRONG: Objection. Asked and answered. 20 THE WITNESS: I'm not familiar with it. 21 BY MS. WRIGHT: 22 Q So you don't know what it means? 23 MS. ARMSTRONG: Same objection. 24 THE WITNESS: I'm not familiar with it. I 25 don't want to make an assumption to something I'm not</p> <p style="text-align: right;">Page 75</p>	<p>1 unit; is that right? 2 A Yes, ma'am. 3 Q For up to 30 days; correct? 4 A It may be imposed for 30 days, yes. 5 Q And we also see that change of housing is a 6 penalty for refusing to work or inciting a work 7 stoppage; is that correct? 8 A It's -- it's one of 12, yes. 9 Q Let's put this aside for a moment and return to 10 Exhibit 24, which is policy 10.3.5, the Post Orders. Go 11 ahead and turn to page 3. And we'll look at the bottom 12 right above your initials there says, "Housing Unit 13 Sanitation, each and every detainee must participate in 14 the facilities sanitation program. A list of detainees 15 is to be developed each day by the housing unit 16 officer." 17 Do you see where I'm reading? 18 A Yes, ma'am. 19 Q So is it correct that each and every detainee 20 at the Adelanto Facility is required to comply with this 21 policy, which is to keep clean and sanitary all commonly 22 accessible areas of the unit, including walls, floors, 23 windows, window ledges, showers, sinks, microwaves, 24 tables and chairs? 25 A They're responsible to keep their entire</p> <p style="text-align: right;">Page 77</p>

<p>1 immediate living area cleaned in accordance with the 2 PBNDS standards of the sanitation and hygiene -- of 3 their own living, immediate living areas, yes. 4 Q Says, "A list of detainees is to be developed 5 each day by the housing unit officer." 6 What does that mean? 7 A I -- I don't know specifically. 8 Q Well, how does the housing -- I mean, do the 9 detainees take turns cleaning the -- all of the these 10 spaces that are listed here in this post order, the 11 floors, the windows, everything else? Do the detainees 12 take turns doing that in their living areas? 13 MS. ARMSTRONG: Objection to form. Vague. 14 Compound. 15 THE WITNESS: The officers have a housing unit 16 roster with every detainee's name that's in -- that's 17 under their supervision for that day. So that's their 18 list or their roster of detainees. 19 BY MS. WRIGHT: 20 Q And then the officer selects detainees to 21 participate in the cleaning tasks that are listed here 22 in Post Order 10.3.5? 23 A I'm -- I'm not familiar with the specifics of 24 what the officers actually do at the -- at the level -- 25 at their level on a day-to-day basis.</p> <p style="text-align: right;">Page 78</p>	<p>1 Q Participation in the Voluntary Work Program is 2 paid; right? 3 A Yes. 4 Q This is a separate program, a separate policy 5 from the Voluntary Work Program; right? 6 A It's a separate pro -- PBNDS standard as this 7 post order reflects, yes, separate. 8 Q Which standard does this PB -- which PBNDS 9 standard does this post order reflect? 10 A I can't refer to the number off the top of my 11 head. It's the housekeeping and sanitation that you 12 referred to that you asked me to look at earlier. 13 Q The personal housekeeping requirements? 14 A Yes, ma'am. 15 Q So going back to my question, it's correct that 16 detainees do not get paid to do these tasks? 17 MS. ARMSTRONG: Objection. Vague. 18 THE WITNESS: Correct. It's separate from -- a 19 separate PBNDS standard, totally separate from the 20 Voluntary Work Program. 21 BY MS. WRIGHT: 22 Q Okay. Let's look at that standard, since we 23 are talking about it. Let's go back to the PBNDS page 24 406. Your testimony, as I understand it, and correct me 25 if I'm wrong, is that the sanitation policy which is</p> <p style="text-align: right;">Page 80</p>
<p>1 Q Who would know the answer to that question? 2 A Possibly an -- an officer or their immediate 3 supervisor. 4 Q So each and every detainee at the Adelanto 5 Facility, so up to 1,940 detainees at max capacity, is 6 responsible for completing these tasks of cleaning and 7 sanitizing their common areas; is that correct? 8 MS. ARMSTRONG: Object to the form. Vague. 9 THE WITNESS: As stated in this policy, 10 references PBNDS standards about cleaning their 11 immediate living areas, yes. 12 BY MS. WRIGHT: 13 Q Does each and every detainee get paid to do 14 that work? 15 A The cleaning of their living areas, immediate 16 living areas, is separate from the volunteer work 17 program. It's a totally separate standard in PBNDS. 18 And the post orders and policies that you introduced to 19 me are separate from the Voluntary Work Program. 20 Q So they don't get paid to do this work? 21 A It's not a part of the Voluntary Work Program. 22 It's a totally separate standard in PBNDS, that's a 23 requirement for the detainees to take care and clean 24 their immediate living area. The volunteer work program 25 is a totally separate program inside the institution.</p> <p style="text-align: right;">Page 79</p>	<p>1 reflected in Post Order 10.3.5, Exhibit 24, and also 2 policy 12.1.4, which is the sanitation procedures, 3 Exhibit 23, is a part of the personal housekeeping 4 requirement under the PBNDS; is that accurate? 5 A It's -- yes, it speaks to the -- maintaining 6 the personal housekeeping -- I'm sorry -- of their 7 living areas. 8 Q The personal housekeeping requirement. And we 9 are at Section 5.8.5.C of the 2011 PBNDS revised in 10 2016. States at the top, "Work assignments are 11 voluntary. However, all detainees are responsible for 12 personal housekeeping"; is that correct? 13 A Yes, ma'am. 14 Q Let's read this again. Quote, "Detainees are 15 required to maintain their immediate living areas in a 16 neat and orderly manner by: One, making their bunk beds 17 daily. Two, stacking loose papers. Three, keeping the 18 floor free of debris and dividers free of clutter. And 19 four, refraining from hanging/draping clothing, 20 pictures, keepsakes or other objects from beds, overhead 21 lighting fixtures or other furniture." 22 Did I get that correct? 23 A Yes, ma'am. 24 Q Where in the housekeeping, personal 25 housekeeping provision of the PBNDS, does it mention</p> <p style="text-align: right;">Page 81</p>



<p>1 scrubbing toilets and sinks? 2 A It doesn't specifically speak to it. Although, 3 it does state they are to maintain their immediate 4 living areas. 5 Q Where in the PBNDS does it mention cleaning 6 windows and window ledges? 7 A It doesn't specifically speak to it under this 8 standard, but, again, it's part of their immediate 9 living area. 10 Q Where does it mention mopping floors? 11 A Under the personal housekeeping section, it 12 doesn't speak to it, but, again, it's part of their 13 immediate living area. 14 Q Where does it mention -- where does the 15 personal housekeeping requirement mention cleaning out 16 microwaves? 17 A It doesn't mention it, but it's part of the 18 immediate living area. 19 Q Where does the personal housekeeping 20 requirement of the PBNDS mention cleaning tables and 21 chairs? 22 A It doesn't mention it, specifically, but, 23 again, it's part of their immediate living areas where 24 they eat and socialize. 25 Q Do you agree that the personal housekeeping Page 82</p>	<p>1 Q This does not say, for instance, detainees are 2 required to maintain their immediate living areas in a 3 neat and orderly manner including, but not limited to 4 the following tasks. 5 Do you understand the difference? 6 A My understanding of the standard is the 7 immediate living area, which includes those four areas, 8 immediate living area includes the entire area they live 9 in. 10 Q What is that understanding based on? 11 A Knowing the physical plant of where detainees 12 live, that each housing unit, how it's designed and 13 what's considered their immediate living area would be 14 where they sleep. They have their restrooms. They have 15 their dayroom activities, their socializing tables, 16 et cetera. 17 Q And your understanding is also based on how GEO 18 applies this standard at the Adelanto Facility; is that 19 right? 20 A My understanding is how PBNDS reads and it's 21 part of our policy as the standard. 22 Q The standard the personal housekeeping standard 23 that is applied at the Adelanto Facility, is what you 24 just described; is that correct? 25 MS. ARMSTRONG: Sorry. Page 84</p>
<p>1 requirement is limited to the four -- the four 2 categories of work that are listed here? 3 MS. ARMSTRONG: Object to the form. Asked and 4 answered. Misstates prior testimony. Lacks foundation. 5 THE WITNESS: I agree that this standard refers 6 to their immediate living area as a whole and it 7 outlines four other areas. 8 BY MS. WRIGHT: 9 Q So your testimony is that there is a list of 10 unwritten cleaning tasks that are a part of the personal 11 housekeeping requirement of the PBNDS? 12 MS. ARMSTRONG: Objection. Vague. 13 THE WITNESS: My testimony was that the 14 detainees are required, in accordance with PBS -- PBNDS 15 for the sanitation and cleanliness of their immediate 16 living area. And in addition, there's four examples 17 listed in the PBNDS standard. 18 BY MS. WRIGHT: 19 Q But there's no in addition. I mean, let's go 20 back and look at the language. This says, "Detainees 21 are required to maintain their immediate living areas in 22 a neat or orderly manner by." And then it lists four 23 specific things. 24 Do you see that? 25 A I see it. Page 83</p>	<p>1 BY MS. WRIGHT: 2 Q Meaning the personal housekeeping standard as 3 applied at the Adelanto Facility is that each and every 4 detainee is required to keep clean and sanitary all 5 commonly accessible areas of their housing unit, 6 including walls, floors, windows, window ledges, 7 showers, sinks, microwaves, tables, chairs, toilets and 8 other property within the living area? 9 A It's part of their immediate living area, yes. 10 Q And do you act consistent with that standard at 11 the Adelanto Facility? 12 MS. ARMSTRONG: Object. Vague. 13 THE WITNESS: We may in accordance with PBNDS. 14 It allows for it. So, yes, the PBNDS standard allows 15 for all the detainees or requires all the detainees to 16 clean their immediate living area. 17 BY MS. WRIGHT: 18 Q And that is what GEO implements at Adelanto? 19 A We implement the PBNDS standards, yes. 20 Q You implement the standard that you just 21 described to me; is that correct? 22 MS. ARMSTRONG: Object. Vague. 23 THE WITNESS: We implement the PBNDS standards 24 and as you stated several areas, those are all part of 25 the living area. Page 85</p>

<p>1 BY MS. WRIGHT: 2 Q What's the difference between a commonly 3 accessible area and a living area, an immediate living 4 area? 5 A When you say commonly accessible area, will you 6 be a little more specific? 7 Q Well, I'm just asking if you know the 8 difference between those two terms? 9 A I have my understanding of both. 10 Q And what is that understanding, sir? 11 A They sleep in a room or on a bed and they have 12 a common area that's accessible to them to socialize, to 13 eat, to gather, to watch TV. And it's all within their 14 living area. 15 Q So you're describing the immediate -- immediate 16 living area? 17 A Where they live and socialize, is it all inside 18 their one living area, their pod, their dorm, yes. It's 19 all inclusive. 20 Q And referring back now to policy 10.3.5, which 21 is Exhibit 24, what does all commonly accessible areas 22 of the unit mean? 23 A That would be the dayroom area, which includes 24 the tables, the seating, the TVs, the telephones, the 25 microwaves, the hot pots, the legal kiosk, the</p> <p style="text-align: right;">Page 86</p>	<p>1 Q Who gives the notice? 2 A The officer in the housing unit. 3 Q And what is the form of that notice? 4 A I'm sorry? 5 Q What is the form of that notice? 6 A I don't know specifically. The officers give a 7 verbal notice. I don't know exactly how it's announced. 8 Q And then so the officer gives a verbal notice 9 that now it's time to conduct the general clean up and 10 that all detainees must participate. And at that point, 11 does the officer hand out the list of cleaning supplies 12 that we discussed earlier? 13 A I think as earlier, it was stated that those 14 become available at approximately 6:00 a.m., when the 15 officer opens up the janitor's sanitation closet or the 16 cart is moved into an open dormitory. 17 Q And does clean up time in each housing unit 18 occur every day? 19 A It occurs, yes. 20 Q Does it occur every day? 21 A Yes. 22 Q Let's return, if you would, to Exhibit 22. 23 This is policy number 8.1.8. This is the detainee work 24 plan that we have discussed earlier. 25 A I have got these out of order.</p> <p style="text-align: right;">Page 88</p>
<p>1 commissary kiosk, et cetera. 2 Q And detainees are responsible for keeping clean 3 and sanitary all of those areas that you just listed? 4 MS. ARMSTRONG: Object to the form. Vague. 5 THE WITNESS: Their -- their immediate living 6 areas, which includes those areas. 7 BY MS. WRIGHT: 8 Q If you look at the bottom of Exhibit 24, 9 page 3, the Bates stamp is GEO-Novoa-2179. This is 10 policy -- excuse me. This is commissary kiosk 10.3.5. 11 We've discussed some of this language before, but I'll 12 read it again. Under Housing Unit Sanitation it says, 13 "Each and every detainee must participate in the 14 facility sanitation program. A list of detainees is to 15 be developed each day by the housing unit officer. 16 During a general clean up, all detainees must 17 participate." 18 Do you see where I'm reading? 19 A Yes, ma'am. 20 Q Is this correct that during a general clean up 21 at the Adelanto Detention Center all detainees must 22 participate? 23 A It's as written. All detainees must 24 participate. They're given notice it's clean up time 25 for their immediate living area.</p> <p style="text-align: right;">Page 87</p>	<p>1 MS. ARMSTRONG: That's okay. I can help you 2 with them. Do you have 22 in front of you? 3 THE WITNESS: Yes. 4 MS. ARMSTRONG: Okay. 5 BY MS. WRIGHT: 6 Q Now, just to make sure that I'm clear, the 7 Voluntary Work Program is separate from the sanitation 8 cleaning policy that we've just been discussing, Policy 9 12.1.4 and Post Order 10.3.5; is that right? 10 MS. ARMSTRONG: Objection. Objection. Asked 11 and answered. 12 THE WITNESS: The Voluntary Work Program is a 13 totally separate standard in PBNDS from the housekeeping 14 or the -- I forget exactly how that standard reads as 15 titled. 16 BY MS. WRIGHT: 17 Q You're talking about the sanitation 18 procedures/housekeeping plan, which is Policy 19 No. 12.1.4? 20 A Yes. 21 Q Your testimony, as I understand it, is that the 22 sanitation procedures/housekeeping plan applies to 23 immediate living areas, personal living areas. What 24 is -- what kind of work is outside the scope of the 25 sanitation procedures/housekeeping plan?</p> <p style="text-align: right;">Page 89</p>

<p>1 MS. ARMSTRONG: Object to the form. Vague. 2 Compound. 3 THE WITNESS: Can you be a little more specific 4 when you say out of the scope of the immediate -- the 5 housekeeping? 6 BY MS. WRIGHT: 7 Q Does barbering fall within the purview of 8 sanitation Policy 12.1.4? 9 A No. 10 Q Because that's within the purview of the 11 Voluntary Work Program, which is Policy 8.1.8; is that 12 right? 13 A Barber -- barbering position is a Voluntary 14 Work Program position, yes. 15 Q What other work that detainees do at the 16 Adelanto Facility is within the purview of the Voluntary 17 Work Program, but is not part of the sanitation 18 housekeeping plan. 19 A Some of the positions are can work in food 20 service, laundry. And we have detainees that are 21 assigned as -- do janitorial-type porter work. 22 Q So the term porter as it's used at Adelanto 23 means janitor -- janitorial work? 24 A Yes, sanitation. 25 Q And do those jobs that you just described, food</p> <p style="text-align: right;">Page 90</p>	<p>1 Voluntary Work Program is to keep idleness down and keep 2 the detainees minds and hands busy with activities. So 3 we have detainees that voluntarily sign up for a 4 janitorial job that would like to make a little extra 5 money. They do deep cleaning, the PBNDS standards 6 allows for that as one of the jobs that are able to be 7 offered to the detainee population as part of the 8 Voluntary Work Program. 9 Q The deep cleaning that detainee workers who 10 participate in the Voluntary Work Program complete in 11 the housing units, is that separate, different from the 12 sanitation work that all detainees are expected to do in 13 the housing units? 14 MS. ARMSTRONG: Objection. Asked and answered. 15 THE WITNESS: It can be very similar or it can 16 be much more detailed. 17 BY MS. WRIGHT: 18 Q Looking at Exhibit 22, which should be in front 19 of you Policy 8.1.8. Let's look at page 2. The Bates 20 stamp is GEO-Novoa-222. And we are looking at the 21 Detainees Selection provision of this policy. My 22 understanding is that this section outlines the 23 procedures by which GEO will assess whether detainee job 24 applicant is suitable for any particular job; is that 25 accurate?</p> <p style="text-align: right;">Page 92</p>
<p>1 service, you said laundry and you said porter or 2 sanitation, where in the Adelanto Facility are those 3 jobs located? Where do they take place? 4 A Food service will take place in food service. 5 Laundry in laundry. And the sanitation janitorial-type 6 work can take place in the main corridors, intake, 7 different departments. And we also have janitors that 8 are assigned in the housing units. 9 Q When you say janitors are assigned in the 10 housing units, do you mean detainee janitors? 11 A Detainee janitor, porter, the term is -- I use 12 janitor loosely, but it's janitorial-type work or 13 cleaning work. 14 Q What do those individuals who are participating 15 in the Voluntary Work Program as janitors or porters do 16 inside the housing units? 17 A They'll do detailed cleaning of their living 18 areas. 19 Q But that's separate from the sanitation policy? 20 A That's correct. 21 Q If -- if each and every detainee has to comply 22 with the sanitation policy and clean their immediate 23 living area, why would GEO hire and pay detainee 24 janitors to do that work? 25 A Because we -- the entire part of the work</p> <p style="text-align: right;">Page 91</p>	<p>1 A Yes. 2 Q The first line here is, "Detainee will submit a 3 completed job application to the classification staff"; 4 is that correct? 5 A Yes. 6 Q Okay. I'll hand you Exhibit 26. 7 (Plaintiffs' Exhibit 26 was marked for 8 identification by the Certified Shorthand Reporter and 9 attached hereto.) 10 BY MS. WRIGHT: 11 Q If you look at the first page of Exhibit 26. 12 This is an e-mail. And you can look at the screen if 13 you'd like. This is an e-mail from Joanne Langill sent 14 on September 4th, 2018. And the subject is detainee 15 applications. And there's an attachment to the e-mail, 16 which is what I really want to talk about. If you look 17 at GEO-Novoa-3294, this document is titled Detainee Work 18 Detail Application. And then below it says The GEO 19 Group, Adelanto ICE Processing Center East and West. 20 Do you recognize this document? 21 A Yes. 22 Q What is this? 23 A It's an application for a detainee work detail. 24 Q And is it fair to say that -- that this work 25 detail application is -- was effective on September 4th,</p> <p style="text-align: right;">Page 93</p>

<p>1 2018, which is the date of the e-mail to which it was 2 attached? 3 A According to what Ms. Langill wrote, she's 4 stating there apparently were some old forms in 5 circulation. And that this is the current form for 6 applying for work. 7 Q So is this the current work detail application 8 in effect at the Adelanto Detention Center? 9 A I don't deal with the applications on a 10 day-to-day basis. I can't speak to that as to yes or 11 no, if it's the actual form that's used today. 12 Q Do you know if the form has been updated since 13 September of 2018? 14 A I don't know. 15 Q Okay. So the procedure for the Voluntary Work 16 Program at the Adelanto center is that a detainee will 17 fill out a work detail application, such as what we see 18 in Exhibit 26; is that correct? 19 A Yes. 20 Q And after detainee fills this out, then GEO 21 will determine what jobs, if any, the detainee is 22 qualified for? 23 A Reading this form, it states the position that 24 the detainee would like to voluntarily work -- apply 25 for.</p> <p style="text-align: right;">Page 94</p>	<p>1 A C-e-r-r-u-l-l-i. And I'm not familiar with the 2 other officers' names. 3 Q So the GEO classification officer will review 4 this form once a detainee fills it out; right? 5 A Correct. 6 Q And will assign a detainee to a job; is that 7 right? 8 A I believe there's a review process that's 9 outlined in PBNDS that has to do with their 10 classification, the job that they're applying for that 11 speaks to some jobs require a medical or mental health 12 clearances also. 13 Q And the classification officer will review the 14 information that the detainee provides here and then 15 review that additional information and then figure out 16 where to place the detainee; is that correct? 17 MS. ARMSTRONG: Objection. Calls for 18 speculation. 19 THE WITNESS: I don't want to -- I can't speak 20 for the classification officers, I'm not involved in 21 that daily process. 22 BY MS. WRIGHT: 23 Q Do you agree that this work detail application 24 outlines GEO's expectations for detainee workers? 25 MS. ARMSTRONG: Objection. Vague.</p> <p style="text-align: right;">Page 96</p>
<p>1 Q My question was, after detainee fills this out, 2 is it correct then that GEO determines which job the 3 detainee should be hired to do? 4 A If the detainee selects one position, it's his 5 voluntary choice as to what position he's applying for. 6 Q Is a detainee guaranteed a job in the voluntary 7 program? 8 A No. 9 Q If a detainee selects multiple jobs, is the 10 detainee guaranteed to have multiple different jobs in 11 the Voluntary Work Program? 12 A No. 13 Q Who makes the decision about what job the 14 detainee works? 15 A I honestly can't speak to that. I don't know. 16 Q Is it a GEO employee? 17 A The application's turned in to a GEO 18 classification officer, yes. 19 Q And who is that? 20 A We have five classification officers. 21 Q Do you know their names? 22 A Not all five. 23 Q Whose names do you know? 24 A Mary McCormick, last name Cerrulli. 25 Q How do you spell that?</p> <p style="text-align: right;">Page 95</p>	<p>1 THE WITNESS: I don't see where it states 2 expectations. 3 BY MS. WRIGHT: 4 Q That's not the question that I asked. 5 Let me ask it this way: What is the purpose of 6 this work detail application? 7 MS. ARMSTRONG: Object to the form. Calls for 8 speculation. 9 THE WITNESS: The purpose is to have the -- for 10 the detainee population to have the ability to 11 voluntarily take this form out of a rack, per se, a 12 magazine-type rack, fill the form out and have the 13 opportunity to request to participate in the volunteer 14 work program. 15 BY MS. WRIGHT: 16 Q Do all detainee workers receive a work detail 17 application to fill out? 18 A They're not issued. The forms are available in 19 their living areas. And they can voluntarily take the 20 form, fill it out, submit it and it will be reviewed for 21 consideration. 22 Q It will be reviewed by a classification 23 officer? 24 A That's -- yes. 25 Q And the detainee will be considered for a</p> <p style="text-align: right;">Page 97</p>

<p>1 Voluntary Work Program position?</p> <p>2 A May be, yes.</p> <p>3 Q When would the answer to that be known? When</p> <p>4 would a detainee not be considered for a Voluntary Work</p> <p>5 Program position?</p> <p>6 A One could be their classification level doesn't</p> <p>7 allow for them to work in that position in accordance</p> <p>8 with the PBNDS standards. There may be a medical</p> <p>9 condition that does not allow for the individual to work</p> <p>10 in a certain position.</p> <p>11 Q Does GEO -- excuse me. Does GEO require</p> <p>12 detainees to fill this work detail application out in</p> <p>13 order to participate in the Voluntary Work Program?</p> <p>14 A We don't require them. They voluntarily fill</p> <p>15 it out.</p> <p>16 Q In order to participate in the Voluntary Work</p> <p>17 Program, does a detainee first need to fill out this</p> <p>18 application?</p> <p>19 A That's the start of the process, yes.</p> <p>20 Q Is it ever the case where a detainee</p> <p>21 participates in the Voluntary Work Program without</p> <p>22 filling out a work application?</p> <p>23 A Not to my knowledge.</p> <p>24 Q We're going to refer back to this, so you might</p> <p>25 keep it close by, but let's go back to Policy 8.1.8, the</p> <p style="text-align: right;">Page 98</p>	<p>1 A Yes.</p> <p>2 Q Below that it says, "Expediency or convenience</p> <p>3 will not justify the rejection of a detainee, who with</p> <p>4 reasonable accommodation, can perform the essential</p> <p>5 function of the work involved."</p> <p>6 Is that true?</p> <p>7 A That's what it states, yes.</p> <p>8 Q But that's true as applied at the Adelanto</p> <p>9 Detention Center?</p> <p>10 MS. ARMSTRONG: Objection. Vague.</p> <p>11 THE WITNESS: To the best of my knowledge, yes.</p> <p>12 BY MS. WRIGHT:</p> <p>13 Q So GEO must provide reasonable accommodations</p> <p>14 to detainee workers with disabilities; is that correct?</p> <p>15 MS. ARMSTRONG: Objection. Calls for a legal</p> <p>16 conclusion.</p> <p>17 THE WITNESS: To the best of my knowledge, yes.</p> <p>18 That's -- yes.</p> <p>19 BY MS. WRIGHT:</p> <p>20 Q Let's look at Section H, Hours of Work. The</p> <p>21 portion that I've highlighted reads, "Detainees</p> <p>22 participate" -- excuse me. "Detainees participating in</p> <p>23 the volunteer work program are required to work</p> <p>24 according a fixed schedule. The normal scheduled</p> <p>25 workday for a detainee employed full-time is a maximum</p> <p style="text-align: right;">Page 100</p>
<p>1 work -- Detainee Work Program Policy, Exhibit 22. We're</p> <p>2 still on page 2, Bates No. 222, Section F. It's</p> <p>3 entitled Discrimination In Hiring Detainee Workers.</p> <p>4 This states that volunteering detainees will not be</p> <p>5 denied work opportunities based on non-merit factor,</p> <p>6 such as race, religion, natural origin, gender and</p> <p>7 sexual orientation or disability; is that correct?</p> <p>8 A That's correct.</p> <p>9 Q And is this policy applied at the Adelanto</p> <p>10 Detention Center?</p> <p>11 A To the best of my knowledge, yes.</p> <p>12 Q So GEO has a non-discrimination policy</p> <p>13 regarding hiring detainee workers into the Voluntary</p> <p>14 Work Program?</p> <p>15 A Yes.</p> <p>16 Q And that's this policy that we're looking at</p> <p>17 here?</p> <p>18 A Yes.</p> <p>19 Q Go ahead and flip to the next page of Exhibit</p> <p>20 22, page 3. The Bates stamp is 223, Section G,</p> <p>21 Physically and Mentally Challenged Detainees. If you</p> <p>22 look at the portion that I've highlighted, it says,</p> <p>23 "Discrimination on the basis of disability is prohibited</p> <p>24 in the detainee work program."</p> <p>25 Is that true?</p> <p style="text-align: right;">Page 99</p>	<p>1 of eight hours. Detainees who wish to participate in</p> <p>2 the work program will not be permitted to work in excess</p> <p>3 of eight hours daily, 40 hours weekly."</p> <p>4 Is that true and accurate as applied at the</p> <p>5 Adelanto Detention Center?</p> <p>6 A To the best of my knowledge, yes.</p> <p>7 Q Who sets the fixed schedule by which detainee</p> <p>8 workers work?</p> <p>9 MS. ARMSTRONG: Objection. Vague.</p> <p>10 THE WITNESS: I -- I'm not sure who sets the</p> <p>11 schedule.</p> <p>12 BY MS. WRIGHT:</p> <p>13 Q Do detainee workers set their own schedule?</p> <p>14 A They can. It's a voluntary program. If they</p> <p>15 choose to work for an hour and decide they want to go</p> <p>16 back to their living area, they can.</p> <p>17 Q But can detainee workers decide what time they</p> <p>18 start a shift?</p> <p>19 A They can.</p> <p>20 Q In what context?</p> <p>21 A If we were to go in and wake an individual up,</p> <p>22 at -- I'm just going to use loosely an hour of a day,</p> <p>23 say, 8:00 a.m., he says, "Nah, I don't want to go to</p> <p>24 work yet," but yet he's an approved -- he or she is an</p> <p>25 approved worker. He may decide -- he or she may decide</p> <p style="text-align: right;">Page 101</p>



<p>1 at 10:00 a.m., "Hey, I'm up. I'm about. I'll go to 2 work now." It's strictly a voluntary program as to -- 3 we can't make them go to work at 0800 hours. 4 Q So detainees can freely come and go from their 5 assigned jobs? 6 MS. ARMSTRONG: Objection. Misstates prior 7 testimony. 8 THE WITNESS: They can say that I'm done 9 working for the day. They would be escorted back to 10 their living area. They have that opportunity, yes. 11 BY MS. WRIGHT: 12 Q But they also -- you just said they have the 13 opportunity to decide when to show up for a shift. So 14 they can freely go to a shift. If their shift starts at 15 8:00 a.m., but they prefer to start working at 16 10:00 a.m., the detainee can just show up at the shift 17 at 10:00 a.m.? 18 A They would, yes, have to be escorted to the 19 area, unless they work in their living area and that's 20 their voluntary job, they can go to work at 10:00 a.m. 21 Q So there's no set schedule for detainee work 22 shifts? 23 MS. ARMSTRONG: Object. Misstates prior 24 testimony. Lacks foundation. 25 THE WITNESS: I can't speak to set schedules</p> <p style="text-align: right;">Page 102</p>	<p>1 A Yes, ma'am. 2 Q So if a detainee wants to work more than eight 3 hours per day, they can do that? 4 A This policy states it's a maximum of eight 5 hours. It definitely means they -- to me it means they 6 can work less than eight hours a day. 7 Q But you just said that detainees could choose 8 when to start and end shifts? 9 A They can, yes. 10 Q But a detainee cannot choose to work more than 11 eight hours a day? 12 A According to the policy, the maximum is eight 13 hours a day. 14 Q And this policy is implemented at the Adelanto 15 Facility, I think was your previous testimony; is that 16 correct? 17 A To the best of my knowledge, yes. 18 Q Hand you Exhibit 27. 19 (Plaintiffs' Exhibit 27 was marked for 20 identification by the Certified Shorthand Reporter and 21 attached hereto.) 22 BY MS. WRIGHT: 23 Q This is an e-mail. It is from you, James 24 Janecka. And, again, you can look at the screen. The 25 date is March 9th, 2018. The subject of this e-mail is,</p> <p style="text-align: right;">Page 104</p>
<p>1 specifically. I don't set the set schedules. 2 BY MS. WRIGHT: 3 Q But your testimony here is that detainees can 4 decide when to work, when to show up and when to leave a 5 shift? 6 A They can, yes. 7 Q If a detainee showed up two hours late, to a 8 shift, would that detainee be punished in any way? 9 A No. 10 Q If one of your officers, a GEO guard, showed up 11 two hours late to a shift, would that person be punished 12 in any way? 13 A We have standards that govern our staff, so 14 yes. 15 Q But you don't have standards that govern the 16 Voluntary Work Program with respect to the work 17 assignments? 18 A To my knowledge, we do not discipline 19 detainees. It's strictly, as stated, a Voluntary Work 20 Program. There's no sanctions disciplinary-wise tied to 21 it. 22 Q Now, this says that the normal scheduled 23 workday for a detainee employed full-time is a maximum 24 of eight hours per day. 25 Do you see that?</p> <p style="text-align: right;">Page 103</p>	<p>1 Forward: Detainee work schedule. And the attachment is 2 titled, West Detainee Kitchen Workers Schedule. And 3 with e-mails, it's a chain, so let's start at the 4 bottom. That would be the first e-mail in the chain. 5 The first e-mail in the chain is an e-mail from Michelle 6 Keeney on March 8th, 2018 to you. 7 Do you see your name in the "to" line? You can 8 look at the screen, if you'd like? 9 A I see it in the copy, the cc line. 10 Q In the cc line. The subject is Detainee Work 11 Schedule. 12 Do you recall receiving this e-mail? 13 A No. 14 Q Do you have any reason to think that you didn't 15 receive this e-mail? 16 A No. 17 Q Ms. Keeney says, "This is the prep and pickup 18 schedule for kitchen detainees. The breakfast detainees 19 should be woke and prepped by 2:30 and brought into the 20 kitchen by 300 hours before count. These detainees stay 21 in the kitchen from 300 hours to approximately 0830." 22 Do you see that? 23 A Yes, ma'am. 24 Q Then she says, "The lunch detainees should be 25 woke and prepped by 900 and brought to the kitchen by</p> <p style="text-align: right;">Page 105</p>

1 930. These detainees stay in the kitchen from 930 to  
2 approximately 1430 to 1500 hours"; is that correct?  
3 A Yes, ma'am.  
4 Q "The dinner detainee workers are prepped at  
5 1500 and should arrive in the kitchen by 1530. This  
6 shift of workers leave the kitchen after the 1830 count  
7 has cleared, usually around 1915"; is that correct?  
8 A Yes.  
9 Q And then she says, "Thank you and we appreciate  
10 your continuing efforts in helping our kitchen run  
11 smoothly." Right?  
12 A Yes.  
13 Q You agree that this is a prep and pickup  
14 schedule for kitchen detainees?  
15 A That's what Ms. Keeney wrote.  
16 Q Is that what this is?  
17 A That's what Ms. Keeney wrote. I can't speak to  
18 why -- what she wrote.  
19 Q So you're not sure if this is a schedule for  
20 the kitchen shifts for detainee workers?  
21 A I can't speak to it as being a specific  
22 schedule, but that's what Ms. Keeney wrote.  
23 Q Let's look at the attachment, Bates  
24 GEO-Novoa-670.  
25 Have you seen this graph before?

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1 officer and say I'm ready to go to my work shift now,  
2 even though it started two hours ago?  
3 A It's my understanding, yes.  
4 Q And the housing unit officer would call a  
5 guard?  
6 A Somebody. I'm not -- I don't know specifically  
7 who they call.  
8 Q And then the guard would escort the detainee to  
9 the shift?  
10 A They may, yes.  
11 Q What's the purpose of having a work schedule if  
12 detainees can come and go freely to their work shifts?  
13 A If you're speaking to this e-mail, I can't  
14 speak to Ms. Keeney, but --  
15 Q I'm asking you as a warden of the facility?  
16 A Okay. I can't speak to Ms. Keeney's e-mail.  
17 Q As the warden of the facility, what is the  
18 purpose of having set shifts?  
19 A We run the facility as set on a schedule.  
20 Everything is scheduled, the hours for court, the hours  
21 for sick call, the hours for meal delivery, meal  
22 service. It's a paramilitary type schedule.  
23 Q But you don't run a paramilitary type schedule  
24 with respect to the Voluntary Work Program?  
25 A There are times when staff are going to call

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1 I'm on the e-mail string.  
2 Q Have you seen this graph before?  
3 A I don't recall it.  
4 Q This appears to be a graphic representation of  
5 the three detainee kitchen workers schedules; is that  
6 correct?  
7 A That's what she attached to her e-mail.  
8 Q But your testimony here today is that if a  
9 breakfast worker didn't want to show up at 0300 hours,  
10 but wanted to show up at 5:00 a.m. instead, that that  
11 would be acceptable; is that right?  
12 A That's correct.  
13 Q So a guard would be dispatched to the housing  
14 unit to pick up the detainee whenever she or he wanted  
15 to show up at shift; is that correct?  
16 A The detainee can go to work at a time that's  
17 when he chooses, he or she.  
18 Q So my question was, how does the detainee get  
19 to their shift?  
20 A They would be escorted to wherever they're  
21 going.  
22 Q Who would the detainee ask for the escort?  
23 What is that process?  
24 A It would start with their housing unit officer.  
25 Q So the detainee would go to the housing unit

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1 for detainees to go to work. If they don't show up upon  
2 initial call, they can go to work later, if they still  
3 need them.

4 Q Okay. So detainees can go to work any time  
5 they want. What if a detainee wants to go work in the  
6 kitchen after 1915, so when -- what if a detainee wants  
7 to go work in the kitchen at 11:00 p.m.? Can a detainee  
8 do that?

9 A I can't speak to that, but if the food service  
10 department is closed, we're not going to open it at  
11 11:00 p.m.

12 Q Okay. I'll hand you Exhibit 28.  
13 (Plaintiffs' Exhibit 28 was marked for  
14 identification by the Certified Shorthand Reporter and  
15 attached hereto.)

16 BY MS. WRIGHT:

17

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2	65%
3	80%
4	25%
5	95%
6	45%
7	55%
8	20%
9	25%
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16 BY MS. WRIGHT:

17 Q Let's go back to Policy 8.1.8, which is  
18 Exhibit 22. Now, this says the normal scheduled workday  
19 for a detainee employed full-time is a maximum of eight  
20 hours. Are there detainee workers that participate in  
21 the work program who are employed on a part-time basis?

22 MS. ARMSTRONG: Objection. Calls for a legal  
23 conclusion.

24 THE WITNESS: I don't know.  
25 ///

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[illegible]

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1 BY MS. WRIGHT:  
2 Q How long are kitchen shifts generally?  
3 A I don't know. They can vary, but I don't know  
4 specifically how long.  
5 Q We're still on page 3 of Policy 8.1.8. Says,  
6 "Detainee performance will be regularly evaluated and  
7 recorded."  
8 Is that correct?  
9 A That's what it states.  
10 Q Is that correct?  
11 A I am not involved with the specifics of  
12 evaluated and recorded.  
13 Q You testified earlier that this policy is  
14 implemented at the Adelanto Detention Center.  
15 Do you remember that?  
16 A To the best of my knowledge, it's implemented.  
17 Q But you don't know whether detainee performance  
18 is regularly evaluated and recorded as the policy  
19 states?  
20 MS. ARMSTRONG: Objection. Asked and answered.  
21 THE WITNESS: I'm not involved in that process  
22 of evaluating and recording their evaluations.  
23 BY MS. WRIGHT:  
24 Q I'm not asking if you do the evaluation and  
25 recording yourself. You're the warden. It's not your

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<p>1 job. I'm asking do you know if this part of the Policy 2 8.1.8 is actually implemented at the Adelanto Detention 3 Center? 4 MS. ARMSTRONG: Objection. Asked and answered. 5 THE WITNESS: I'm not familiar with that -- 6 that process of this policy, so I don't want to misspeak 7 to it. 8 BY MS. WRIGHT: 9 Q Who would know the answer to that question? 10 A Possibly line staff. 11 Q Who's line staff? What does that mean? 12 A People that supervise detainee workers. 13 Q Like who? 14 A A number, could be a food service worker or 15 could be a laundry person. 16 Q Who supervises food service workers? 17 A Sharon Buczkowske. 18 Q Who supervises laundry? 19 A Mr. Mendoza. 20 Q Who supervises the warehouse crew? 21 A We don't have a warehouse crew. 22 Q Who supervises the barber shop? 23 A The rec. specialist. 24 Q Who's that? 25 A Ms. Nimke.</p> <p style="text-align: right;">Page 114</p>	<p>1 MS. ARMSTRONG: Objection. Vague. Compound. 2 THE WITNESS: To my knowledge, they ask. 3 BY MS. WRIGHT: 4 Q Who do they ask? 5 A Whomever they're working with or for. 6 Q Could they ask another detainee for the 7 approval to come to work late? 8 A No. So they would have to ask their 9 supervisor, a staff member. 10 Q A GEO staff member; is that right? 11 A Yes. 12 Q Look at the bottom of Policy 8.1.8, Section I, 13 Work Restrictions. "A detainee may participate in only 14 one work detail per day"; is that correct? 15 A Yes. 16 Q So does this mean that a detainee could not be 17 a janitor and a barber in the same day? 18 A To the best of my knowledge, yes. 19 Q How does GEO keep track of how many work 20 details a detainee works per day? 21 A I don't know specifics to that. 22 Q Do you know generally? 23 A No. 24 Q Who would know? 25 A Classification staff.</p> <p style="text-align: right;">Page 116</p>
<p>1 Q Who supervises the dorm cleaning crew? 2 A The officers assigned. 3 Q Meaning the officer assigned to guard each 4 dorm? 5 A I have approximately 330 officers. I can't 6 name 330 officers. 7 Q There's not a specific person who's in charge 8 of the dorm cleaning work assignment; is that correct? 9 MS. ARMSTRONG: Objection. Vague. 10 THE WITNESS: Not to my knowledge. 11 BY MS. WRIGHT: 12 Q This says, unexcused -- and we're looking back 13 at Policy 8.1.8, page 3, "Unexcused absences from work 14 or unsatisfactory work performance may result in removal 15 from the Voluntary Work Program." 16 Did I read that correctly? 17 A Yes. 18 Q Is that an accurate statement as applied to 19 Adelanto Detention Center? 20 A Yes. 21 Q Does a detainee need to -- you testified 22 earlier that a detainee can choose when to show up for a 23 shift and when to leave a shift. 24 How does a detainee get approval or an excuse 25 to do that?</p> <p style="text-align: right;">Page 115</p>	<p>1 Q Is there a manager of the classification 2 department? 3 A It would be Lieutenant Johnny White. 4 Q Do you know whether GEO keeps track of detainee 5 hours? 6 MS. ARMSTRONG: Objection. Vague. 7 THE WITNESS: I -- will you say that again? 8 I'm sorry. 9 BY MS. WRIGHT: 10 Q Do you know whether GEO keeps track of detainee 11 hours? 12 MS. ARMSTRONG: Same objection. 13 THE WITNESS: Hours of? 14 BY MS. WRIGHT: 15 Q Of work? 16 A If they're participating in a detainee work 17 program, their hours of work are tracked. 18 Q How are they tracked? 19 A I don't know the details. 20 Q But GEO keeps track of detainee work hours? 21 A Yes. 22 Q That's correct. 23 Okay. Go ahead and flip to page 4 of 24 Exhibit 22. Section J is Compensation. "Detainees 25 shall receive a stipend of \$1 per day to be paid daily."</p> <p style="text-align: right;">Page 117</p>

<p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q So as a matter of policy and practice, GEO</p> <p>4 fixes the rate of compensation for the detainee work</p> <p>5 program at \$1 a day is; that right?</p> <p>6 A Yes.</p> <p>7 Q And detainee workers are paid \$1 a day</p> <p>8 regardless of how many hours they work in a day?</p> <p>9 A Yes.</p> <p>10 Q Is every job in the Voluntary Work Program</p> <p>11 compensated the same way, \$1 a day?</p> <p>12 A Yes.</p> <p>13 Q Who determined the -- that detainees at</p> <p>14 Adelanto would be paid exactly \$1 per day for their</p> <p>15 labor in the work program?</p> <p>16 A Our contract, there's a reimbursement section</p> <p>17 that speaks to the detainee work program. It states</p> <p>18 there will be a reimbursement by the government to the</p> <p>19 service provider of \$1 per day. Later in the contract,</p> <p>20 the contract language refers to the service providers</p> <p>21 detainee work plan, program/plan. And in our work</p> <p>22 program, detainee shall receive a stipend of \$1 per day.</p> <p>23 I also asked ICE officials if detainees could be</p> <p>24 compensated more than a \$1 a day at the expense of GEO</p> <p>25 and the response was no.</p> <p>Page 118</p>	<p>1 didn't know when they came in. So just an activity to</p> <p>2 keep -- keep them from being idle and busy.</p> <p>3 Q But it would incentivize them to participate in</p> <p>4 the work program if they were paid more than a \$1 a day?</p> <p>5 MS. ARMSTRONG: Object. Vague.</p> <p>6 THE WITNESS: I can't speak if it would have</p> <p>7 been effective. It was just an idea that I had.</p> <p>8 BY MS. WRIGHT:</p> <p>9 Q Did you propose an amount that you thought that</p> <p>10 detainees should be paid?</p> <p>11 A I don't recall an amount.</p> <p>12 Q As you sit here today, what do you think</p> <p>13 detainees in the Voluntary Work Program should be paid</p> <p>14 at Adelanto?</p> <p>15 A I don't think to that, I go specifically by</p> <p>16 what our contract requires and what the client agrees --</p> <p>17 or told me was. We're going to follow the \$1 a day. I</p> <p>18 don't -- I don't manage operations or the contract on</p> <p>19 personal opinions or beliefs. And I'm not going to</p> <p>20 state one today.</p> <p>21 Q When did you have this conversation with ICE</p> <p>22 officials?</p> <p>23 A It would have been the latter part of 2014,</p> <p>24 approximately. I don't recall the exact date, but it</p> <p>25 was shortly after I got to Adelanto.</p> <p>Page 120</p>
<p>1 Q Why did you ask ICE officials if detainees</p> <p>2 could be compensated more than \$1 per day?</p> <p>3 A I did it shortly after coming to Adelanto. And</p> <p>4 I was becoming more familiar with the Adelanto ICE</p> <p>5 Processing Center and the policies and PBNDS. And I</p> <p>6 wanted to -- I'm always looking for opportunities to</p> <p>7 enhance programs. So I felt I would sit down with the</p> <p>8 client, discuss the matter with them to see if they</p> <p>9 would be open to maybe allowing me or the company to</p> <p>10 enhance the program by paying a little more to the</p> <p>11 workers at the expense of the company. And the response</p> <p>12 I got was no.</p> <p>13 Q Why did you think that paying detainee workers</p> <p>14 more than \$1 a day would enhance the Voluntary Work</p> <p>15 Program?</p> <p>16 A I just -- I like to -- if they would get more</p> <p>17 detainees to be involved, it would maybe keep the</p> <p>18 idleness down and the -- just give them more</p> <p>19 opportunities to keep themselves busy on a daily basis.</p> <p>20 Q So it would incentivize more detainees to</p> <p>21 participate in the work program if they're paid more</p> <p>22 than a \$1 a day?</p> <p>23 A To keep them busy, to keep them occupied, to --</p> <p>24 you know, if they learned something from being involved</p> <p>25 with the job, that's great. They learn something they</p> <p>Page 119</p>	<p>1 Q And you got there in September?</p> <p>2 A September of '14.</p> <p>3 Q Okay. And who did you speak with at ICE?</p> <p>4 A I spoke with the AFOD.</p> <p>5 Q What does that mean?</p> <p>6 A Assistant field office director.</p> <p>7 Q And what is that person's name?</p> <p>8 A Gabriel Valdez.</p> <p>9 Q And did this conversation occur at Adelanto?</p> <p>10 A Yes.</p> <p>11 Q Does Mr. Valdez maintain an office at Adelanto?</p> <p>12 A Excuse me?</p> <p>13 Q Does Mr. Valdez maintain an office at Adelanto?</p> <p>14 A Yes.</p> <p>15 Q Did you have more than one conversation with</p> <p>16 Mr. Valdez or anybody else about increasing the</p> <p>17 compensation in the Voluntary Work Program?</p> <p>18 A I don't recall any other conversations with</p> <p>19 Mr. Valdez. I may have had a conversation with the</p> <p>20 Corps, the contracting officer also.</p> <p>21 Q And when was that conversation?</p> <p>22 A It would have been around the same time as the</p> <p>23 conversation with Mr. Valdez.</p> <p>24 Q Was it after the conversation with Mr. Valdez?</p> <p>25 A I honestly don't remember.</p> <p>Page 121</p>

<p>1 Q And what did the contracting officer tell you?</p> <p>2 A I don't remember, but the ultimate was, no,</p> <p>3 it's going to -- we're going to stick with that the</p> <p>4 contract states and what the \$1 a day payment to the</p> <p>5 detainee population.</p> <p>6 Q What was the name of the contracting officer</p> <p>7 that you spoke with?</p> <p>8 A Dan Pomplun.</p> <p>9 Q Can you spell that?</p> <p>10 A P-o-m-p-l-u-n.</p> <p>11 Q Since late 2014, have you had any other</p> <p>12 conversations with anybody about increasing the</p> <p>13 compensation for the work program?</p> <p>14 A No.</p> <p>15 Q Did you report either the conversation with</p> <p>16 Mr. Valdez or the conversation about Pomplun up your</p> <p>17 chain of command?</p> <p>18 A Not that I recall.</p> <p>19 Q Have you ever asked anybody at GEO about</p> <p>20 increasing the wages for the work program?</p> <p>21 A Not after that date.</p> <p>22 Q How about before that date?</p> <p>23 A I spoke to my -- at the time, was my regional</p> <p>24 vice president and mentioned that I would see if he was</p> <p>25 okay with me approaching ICE officials with that</p> <p>Page 122</p>	<p>1 of the conversation.</p> <p>2 BY MS. WRIGHT:</p> <p>3 Q Was Mr. Black in favor of increasing</p> <p>4 compensation for detainee workers?</p> <p>5 A I don't remember the conversation. I just know</p> <p>6 I wasn't told not to talk to ICE. I don't remember the</p> <p>7 specifics.</p> <p>8 Q And what did you want the compensation to be</p> <p>9 increased to?</p> <p>10 A I'm sorry?</p> <p>11 Q What did you want the compensation to be</p> <p>12 increased to when you were having these conversations?</p> <p>13 A I didn't have a number. I just asked ICE if</p> <p>14 the company was willing to -- would ICE consider it.</p> <p>15 And my response back to me was no.</p> <p>16 Q Is it your understanding that Mr. Valdez has</p> <p>17 authority to modify the contract that's in place at</p> <p>18 Adelanto?</p> <p>19 MS. ARMSTRONG: Objection. Calls for a legal</p> <p>20 conclusion.</p> <p>21 THE WITNESS: I can't speak to his authority</p> <p>22 with modifications of the contract.</p> <p>23 BY MS. WRIGHT:</p> <p>24 Q Do you know who is empowered to modify the</p> <p>25 contract?</p> <p>Page 124</p>
<p>1 conversation.</p> <p>2 Q And who was that person?</p> <p>3 A James Black.</p> <p>4 Q And what did Mr. Black say?</p> <p>5 A He was in favor -- he was fine with me to speak</p> <p>6 to the ICE officials.</p> <p>7 Q So Mr. Black's position is the regional vice</p> <p>8 president of -- is that his full title, regional vice</p> <p>9 president?</p> <p>10 A Yes. He was the regional -- of the western</p> <p>11 region. He's now in a different region.</p> <p>12 Q At the time you had this conversation with him,</p> <p>13 was he based in Adelanto?</p> <p>14 A No.</p> <p>15 Q Where was he based?</p> <p>16 A Los Angeles.</p> <p>17 Q Los Angeles.</p> <p>18 So you approached Mr. Black and requested</p> <p>19 permission to speak with ICE about increasing detainee</p> <p>20 wages?</p> <p>21 MS. ARMSTRONG: Objection. Vague.</p> <p>22 THE WITNESS: I don't remember the specifics of</p> <p>23 the conversation, but I -- I mentioned it to him. And</p> <p>24 he didn't have objections that I would speak to the ICE</p> <p>25 officials, but I don't -- I don't remember the specifics</p> <p>Page 123</p>	<p>1 A I don't, not specifically with ICE. It's --</p> <p>2 it's above me, over my level. And I don't want to</p> <p>3 misspeak for the government.</p> <p>4 Q Uh-huh.</p> <p>5 Did you record in any way or take any notes</p> <p>6 following your conversation with Mr. Black?</p> <p>7 A Not that I recall.</p> <p>8 Q Did you record or memorialize in any way your</p> <p>9 conversations with Mr. Valdez or Mr. Pomplun?</p> <p>10 A Not that I can recall.</p> <p>11 Q Sitting here today, if ICE came to you, if</p> <p>12 Mr. Valdez came to you and said that ICE would permit</p> <p>13 GEO to pay more than \$1 a day to detainee workers, would</p> <p>14 you recommend that to your supervisors?</p> <p>15 MS. ARMSTRONG: Objection. Calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: I wouldn't make a recommendation.</p> <p>18 I would relay whatever was communicated to me up my</p> <p>19 chain of command.</p> <p>20 BY MS. WRIGHT:</p> <p>21 Q Do you think it would be a good idea to</p> <p>22 increase detainee wages?</p> <p>23 A I'm not going to speak to that. I get paid to</p> <p>24 and I'm hired to manage the Adelanto Detention Facility</p> <p>25 as our contract is written and as PBNDS states.</p> <p>Page 125</p>

<p>1 Q In 2014, you felt that this was important 2 enough to raise it with your supervisor, Mr. Black, with 3 Mr. Valdez and Mr. Pomplun. 4 What's changed for you since 2014? 5 MS. ARMSTRONG: Objection. Vague. Compound. 6 THE WITNESS: As I stated earlier, I was 7 relatively new to the facility, becoming familiar with 8 the facility. And it was actually a conversation that 9 that was part of my understanding the ICE officials and 10 their position on certain matters. 11 MS. ARMSTRONG: The food is here, just so we 12 know. 13 MS. WRIGHT: Just a couple more minutes and 14 we'll get to a good stopping point. 15 Q If you could just flip to PBNDS, which is page, 16 407. 17 A It's out of order. 18 MS. ARMSTRONG: I'll fixed them, but -- 19 THE WITNESS: I'm sorry. 20 MS. ARMSTRONG: It's okay. 21 BY MS. WRIGHT: 22 Q We're on 407 or you could just look up here, if 23 you'd like. PBNDS stated 5.8.5.K is entitled 24 Compensation. And it says, "The compensation is at 25 least \$1 per day."</p> <p>Page 126</p>	<p>1 GEO from paying more than a \$1 a day? 2 MS. ARMSTRONG: Objection. Misstates prior 3 testimony. 4 THE WITNESS: I don't agree to that. I -- it's 5 a national standard. It's applicable to the national 6 detention. 7 BY MS. WRIGHT: 8 Q Does this standard, the compensation provision 9 of standard 5.8 prohibit GEO from paying more than a \$1 10 a day? I understand the contract does. I'm asking 11 about this sentence, this standard. Does this prohibit 12 GEO from paying more than a \$1 per day? 13 MS. ARMSTRONG: Objection. Asked and answered. 14 THE WITNESS: I can't speak to the legal 15 aspects of how that would be interpreted from a 16 contractual standpoint. I don't want to speak -- I 17 can't speak to that. 18 BY MS. WRIGHT: 19 Q What does "at least" mean to you? 20 A At the minimal. 21 Q Are you aware that GEO pays detainee workers 22 more than a \$1 a day at some other immigration detention 23 centers? 24 A No. 25 Q Does it surprise you to hear that?</p> <p>Page 128</p>
<p>1 Do you see that? 2 A Yes. 3 Q So this says, "The compensation is at least \$1 4 per day." This is the PBNDS. So "at least" means that 5 the service provider can pay whatever it wants, so long 6 as it's equal to or more than A \$1 a day? 7 MS. ARMSTRONG: Objection. Compound. Calls 8 for a legal conclusion. Calls for speculation. 9 Misstates prior testimony and lacks foundation. 10 THE WITNESS: As stated earlier, our contract 11 under the reimbursement section speaks to a \$1 a day. 12 The contract also refers to the detainee work plan, as 13 a -- will be used as part of the pay scale and our pay 14 scale in detainee work plan is \$1 per day. And, again, 15 ICE officials have told me that we will only pay \$1 per 16 day in Adelanto. 17 BY MS. WRIGHT: 18 Q But you agree that the PBNDS does not prohibit 19 GEO from paying more than a \$1 a day? 20 MS. ARMSTRONG: Objection. Misstates prior 21 testimony. 22 THE WITNESS: PBNDS states the compensation is, 23 at least, \$1 per day. 24 BY MS. WRIGHT: 25 Q So you agree that the PBNDS does not prohibit</p> <p>Page 127</p>	<p>1 A I can't speak for them. I can't speak for 2 their contract. I can't speak for their local clients. 3 Q So it doesn't surprise you to hear that GEO 4 pays more than a \$1 a day at other facilities? 5 A I -- I strictly -- I don't manage those 6 facilities, so I manage mine in accordance with the 7 contract and with my client. 8 Q Knowing now, you've learned for the first time 9 today that GEO paid more than a \$1 a day at other civil 10 immigration detention centers, knowing that now, would 11 you consider reapproaching your supervisor or ICE 12 officials to ask for an increase in compensation at 13 Adelanto? 14 MS. ARMSTRONG: Objection. Lacks foundation. 15 Calls for speculation. 16 THE WITNESS: As stated earlier, I've -- since 17 my conversation with ICE, I manage it in accordance with 18 our contract. Our work plan, and the conversation that 19 I had with the ICE officials that are still at the 20 facility. 21 BY MS. WRIGHT: 22 Q You're not answering my question. And it's 23 not -- it's not meant to be a tricky question. 24 Could you please read back my last question. 25 (The record was read as follows:</p> <p>Page 129</p>

1 "QUESTION: Knowing now, you've  
2 learned for the first time today that  
3 GEO paid more than a \$1 a day at other  
4 civil immigration detention centers,  
5 knowing that now, would you consider  
6 reapproaching your supervisor or ICE  
7 officials to ask for an increase in  
8 compensation at Adelanto?")  
9 MS. ARMSTRONG: Same objections that I made on  
10 the record at the time.  
11 THE WITNESS: No.  
12 BY MS. WRIGHT:  
13 Q Do you think that the current rate of  
14 compensation is fair?  
15 MS. ARMSTRONG: Objection. Asked and answered.  
16 THE WITNESS: I'm not going to state a personal  
17 opinion. I strictly operate our institution as I stated  
18 earlier by contract and by conversation I had with my  
19 client.  
20 BY MS. WRIGHT:  
21 Q I'm not asking how you implement this policy.  
22 I'm asking whether you think that \$1 a day is fair?  
23 A I can't speak to that.  
24 Q Would you work for \$1 a day?  
25 MS. ARMSTRONG: Objection. Lacks foundation.  
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1 1 THE WITNESS: I can't speak to that either.  
2 2 BY MS. WRIGHT:  
3 3 Q What do you mean you can't speak to that?  
4 4 A I don't fall under --  
5 5 Q Seems like the easiest question of this whole  
6 6 deposition.  
7 7 You would consider working for \$1 a day?  
8 8 MS. ARMSTRONG: Objection. Calls for  
9 9 speculation.  
10 10 THE WITNESS: If you were -- I'm not really  
11 11 going to speak to that. That standard isn't applicable  
12 12 to me or to me personally.  
13 13 BY MS. WRIGHT:  
14 14 Q Well, we'll be sure to let Mr. Ragsdale and  
15 15 Mr. Venturella that you are apparently open to a  
16 16 significant decrease in compensation.  
17 17 Why don't we take our lunch break and we'll go  
18 18 ahead and pick up after the break.  
19 19 THE VIDEOGRAPHER: We are going off the record.  
20 12:11 20 The time is p.m.  
21 12:11 21 (Lunch recess was taken at  
p.m. and  
22  
22 22 resumed at 1:00 p.m.)  
23  
23 THE VIDEOGRAPHER: We are going back on the  
24  
24 record. The time is 1:00 p.m.  
25  
25 ///

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1 BY MS. WRIGHT:  
2 Q Mr. Janecka, before our lunch break, we were  
3 discussing the compensation provided to detainee workers  
4 at Adelanto who participate in the Voluntary Work  
5 Program. And you testified that the policy at Adelanto  
6 is that every Voluntary Work Program job is compensated  
7 the same way, which is \$1 a day; is that right?  
8 A Yes.  
9 Q Does GEO ever pay bonuses or incentives to  
10 detainees for their labor?  
11 A Are you speaking at Adelanto?  
12 Q Yes.  
13 A Not to my knowledge.  
14 Q I'm going to hand you Exhibit 29.  
15 (Plaintiffs' Exhibit 29 was marked for  
16 identification by the Certified Shorthand Reporter and  
17 attached hereto.)  
18 BY MS. WRIGHT:  
19 Q Exhibit 29 is titled monthly food service  
20 department meeting minutes, July 26th, 2018. It is on  
21 GEO letterhead, specifically Adelanto ICE Processing  
22 Center letterhead. And the Bates number is  
23 GEO-Novoa-728.  
24 Have you ever seen this document before?  
25 A Not to my -- no, not that I'm aware of.  
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1 Q Okay. Who runs the monthly food service  
2 department meetings?  
3 A It would be the food service manager.  
4 Q And who's that?  
5 A Ms. Sharon Buczkowske.  
6 Q Is that -- is she also known as Ms. B?  
7 A Yes.  
8 Q Do you ever attend the monthly food service  
9 department meetings?  
10 A No, ma'am.  
11 Q Is that because as warden, you delegate the  
12 responsibility to running the monthly food services  
13 meetings to the food service manager, Ms. B?  
14 A They have their internal meetings, yes.  
15 Q You delegate the responsibility for running  
16 those meeting to Ms. B; is that right?  
17 A Yes.  
18 Q Let's look at page 2 of Exhibit 28. The  
19 paragraph that I have highlighted here on your screen,  
20 Says, "Showing appreciation to our detainee workers  
21 would go a long way with it comes to detainee  
22 retention." I think that's a typo. "Its okay to thank  
23 the detainees for doing task, such as cleaning the line  
24 or chow hall with extra attention, taking out trash or  
25 for putting away heavy items. This is all work that

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<p>1 should be recognized and appreciated. If we didn't have 2 the detainees doing the work, we would have so much more 3 to do ourselves. We have been granted extra permission 4 from Warden Janecka to treat our detainees to treats, 5 such as extra dessert, ice cream, peanut butter and 6 jelly sandwiches, breakfast tacos, money bread, et 7 cetera. When expectations are set higher for what is 8 needed for the detainees and we treat the detainees well 9 and with respectful voices, we will incur a higher 10 retention working rates."</p> <p>11 MS. ARMSTRONG: I just want to let you know it 12 says granted permission from Warden Janecka and not 13 extra permission.</p> <p>14 MS. WRIGHT: Thank you for that correction.</p> <p>15 Q Other than that, did I read that correctly?</p> <p>16 A Yes.</p> <p>17 Q Is there anything about this paragraph that is 18 incorrect to your knowledge?</p> <p>19 A Not to my knowledge.</p> <p>20 Q Does it violate the PBNDS to compensate 21 detainee workers with extra food or treats?</p> <p>22 MS. ARMSTRONG: Objection. Calls for legal 23 conclusion.</p> <p>24 THE WITNESS: I don't think it says compensate. 25 We let them have the leftovers. If there's extras, they</p> <p style="text-align: right;">Page 134</p>	<p>1 MS. ARMSTRONG: Objection.</p> <p>2 BY MS. WRIGHT:</p> <p>3 Q -- do you agree?</p> <p>4 MS. ARMSTRONG: Objection. Lacks foundation.</p> <p>5 THE WITNESS: The section highlighted states 6 the same fare. They do eat the same meals.</p> <p>7 BY MS. WRIGHT:</p> <p>8 Q My question was, do you agree that it violates 9 this PBNDS standard to provide detainee workers with 10 extra treats like ice cream and monkey bread and 11 breakfast tacos, like we just saw in the monthly meeting 12 minutes?</p> <p>13 MS. ARMSTRONG: Objection. Lacks foundation.</p> <p>14 THE WITNESS: Those standards state they shall 15 receive the same fare as other detainees. And they 16 still had the same meals as the other detainees as their 17 main meal.</p> <p>18 BY MS. WRIGHT:</p> <p>19 Q Do all detainees get extra treats, like ice 20 cream and monkey bread?</p> <p>21 A We serve it occasionally, but as far as extra 22 treats, occasionally, we serve extra food in the dining 23 room for the population.</p> <p>24 Q Do you understand the monthly food service 25 department minutes that we just looked at Exhibit 29?</p> <p style="text-align: right;">Page 136</p>
<p>1 eat it. If they want to have a little extra function 2 form among themselves and food service, they may have 3 had an extra function, like to cook some extra items. I 4 don't see it as compensation.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q What do you mean when you say extra function?</p> <p>7 A They could just say thank you to the detainee 8 workers as a -- we're going to have this, leftovers, 9 extras, extra dessert, extra, a thank you.</p> <p>10 Q So you have granted GEO staff permission to 11 treat the detainee workers in the kitchen to treats such 12 as extra dessert, ice cream, et cetera?</p> <p>13 A In the past, yes, as a thank you for --</p> <p>14 Q If you return to Exhibit 2, the PBNDS. Go 15 ahead and flip to page 232. We're looking at Section 16 4.1, which is the food service section, at subsection 17 C-5. Do you see here highlighted, says, Meals For Food 18 Service Workers?</p> <p>19 A Yes.</p> <p>20 Q And it says, "Detainee workers shall receive 21 the same fare as other detainees"; is that correct?</p> <p>22 A Yes.</p> <p>23 Q So it's a violation of this PBNDS standard for 24 GEO staff to give food service detainees extra treats 25 and extra food --</p> <p style="text-align: right;">Page 135</p>	<p>1 A Uh-huh.</p> <p>2 Q Do mean that the kitchen worker detainees, 3 receive something additional or different from the 4 general population of detainees?</p> <p>5 MS. ARMSTRONG: Objection. Vague.</p> <p>6 THE WITNESS: They -- it states they have been 7 granted permission from me to treat our detainee workers 8 to treats such as extra dessert, ice cream, peanut 9 butter and jelly sandwiches, breakfast tacos, monkey 10 bread, et cetera. So they were given some extra treats 11 of those as a thank you for the work they do in our -- 12 namely food service.</p> <p>13 BY MS. WRIGHT:</p> <p>14 Q Was the general population of detainees given 15 those extra treats on that day?</p> <p>16 MS. ARMSTRONG: Objection. Calls for 17 speculation.</p> <p>18 THE WITNESS: I don't -- can't speak to that. 19 I don't know.</p> <p>20 BY MS. WRIGHT:</p> <p>21 Q What does extra treats mean?</p> <p>22 A I don't know what she meant by extra treats.</p> <p>23 Q You testified that you approved this policy of 24 giving detainee workers in the kitchen extra treats?</p> <p>25 MS. ARMSTRONG: Objection.</p> <p style="text-align: right;">Page 137</p>



<p>1 BY MS. WRIGHT:</p> <p>2 Q What are extra treats?</p> <p>3 MS. ARMSTRONG: Mischaracterizes testimony</p> <p>4 regarding policy.</p> <p>5 THE WITNESS: This isn't a policy.</p> <p>6 BY MS. WRIGHT:</p> <p>7 Q What is it?</p> <p>8 A It's a meeting minutes from a food service</p> <p>9 meeting that I wasn't involved in.</p> <p>10 Q You testified that you instructed GEO staff to</p> <p>11 provide kitchen worker detainees with extra treats.</p> <p>12 Do you remember that?</p> <p>13 MS. ARMSTRONG: Objection. Misstates prior</p> <p>14 testimony.</p> <p>15 THE WITNESS: Can you -- can someone repeat my</p> <p>16 testimony?</p> <p>17 BY MS. WRIGHT:</p> <p>18 Q No.</p> <p>19 A Okay.</p> <p>20 Q You don't recall testifying to that effect?</p> <p>21 A What I stated --</p> <p>22 MS. ARMSTRONG: Same objection. Asked and</p> <p>23 answered. Argumentative.</p> <p>24 THE WITNESS: What I stated was that they were</p> <p>25 given permission to have extras that are leftover. And</p> <p style="text-align: right;">Page 138</p>	<p>1 Work Program. And it could be construed as oversight of</p> <p>2 that standard.</p> <p>3 Q I'm not sure I understand. I don't follow.</p> <p>4 Would you tell me what you mean?</p> <p>5 MS. ARMSTRONG: Objection. Vague.</p> <p>6 THE WITNESS: It could be construed as a</p> <p>7 violation of that standard. If they were given extra</p> <p>8 treats or if you want to say I used treats loosely,</p> <p>9 treats means some of the items she described in her</p> <p>10 meeting minutes.</p> <p>11 BY MS. WRIGHT:</p> <p>12 Q How often are detainees working in the kitchen</p> <p>13 given extra food or extra treats?</p> <p>14 A I can't speak to that. I don't know.</p> <p>15 Q Is it a -- have you authorized GEO staff today</p> <p>16 as we sit here today to reward kitchen worker detainees</p> <p>17 with extra food or extra treats?</p> <p>18 MS. ARMSTRONG: Objection. Vague.</p> <p>19 THE WITNESS: I don't recall the conversation</p> <p>20 recently. I mean, this is dated sometime in 2018. I</p> <p>21 don't recall the last time it's been mentioned.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q So you don't know as you sit here today, you</p> <p>24 have no personal knowledge about whether GEO kitchen</p> <p>25 staff are giving detainees extra food or extra treats?</p> <p style="text-align: right;">Page 140</p>
<p>1 if they were given some extra treats, it was a thank you</p> <p>2 for their work in the food service department.</p> <p>3 BY MS. WRIGHT:</p> <p>4 Q Go ahead and turn to page 229 of the PBNDS,</p> <p>5 Exhibit 2. The portion that I've highlighted here,</p> <p>6 enumerated No. 13, says, "Food shall never be used for</p> <p>7 reward or punishment."</p> <p>8 Do you agree that using food for a reward at</p> <p>9 the Adelanto Detention Center violates this PBNDS</p> <p>10 standard?</p> <p>11 MS. ARMSTRONG: Objection. Calls for legal</p> <p>12 conclusion. Vague. Lacks foundation.</p> <p>13 THE WITNESS: The standard states it shall</p> <p>14 never be used as a reward or punishment, yes. It does</p> <p>15 state that.</p> <p>16 BY MS. WRIGHT:</p> <p>17 Q You agree that it violates the this standard to</p> <p>18 use food as a reward?</p> <p>19 MS. ARMSTRONG: Objection. Calls for legal</p> <p>20 conclusion.</p> <p>21 THE WITNESS: It could be considered that.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q Do you consider it that?</p> <p>24 A They still receive their -- to my knowledge,</p> <p>25 they still receive their compensation for the Voluntary</p> <p style="text-align: right;">Page 139</p>	<p>1 MS. ARMSTRONG: Objection. Misstates prior</p> <p>2 testimony.</p> <p>3 THE WITNESS: I have no personal knowledge of</p> <p>4 how often they're giving them any extra food or any</p> <p>5 other treats as she describes.</p> <p>6 BY MS. WRIGHT:</p> <p>7 Q Turning back to Policy 8.1.8, Exhibit 22,</p> <p>8 page 4. We're still looking at the compensation section</p> <p>9 which is J. Now, this says that detainees shall be paid</p> <p>10 daily.</p> <p>11 Do you see that?</p> <p>12 A I do, yes.</p> <p>13 Q Is it GEO's policy to pay detainees who</p> <p>14 participate in the Voluntary Work Program every day?</p> <p>15 MS. ARMSTRONG: Objection. Vague.</p> <p>16 THE WITNESS: I don't know the specifics of</p> <p>17 their -- when they receive their pay. They're paid \$1</p> <p>18 per day for their days they work, but I don't know the</p> <p>19 actual transaction of the funds. If it's paid daily,</p> <p>20 monthly. I don't know the specifics of that.</p> <p>21 BY MS. WRIGHT:</p> <p>22 Q So you understand that the policy here that</p> <p>23 we're looking at, 8.1.8, says that detainees shall be</p> <p>24 paid daily, but you have no personal knowledge of</p> <p>25 whether detainees are actually paid daily at Adelanto;</p> <p style="text-align: right;">Page 141</p>

<p>1 is that correct?</p> <p>2 A Correct.</p> <p>3 Q GEO pays the detainees by putting money in</p> <p>4 their commissary accounts. Is that how that works?</p> <p>5 A Correct.</p> <p>6 Q And then GEO submits an invoice to ICE for</p> <p>7 reimbursement for those payments?</p> <p>8 A Correct.</p> <p>9 Q How does GEO -- what records does GEO maintain</p> <p>10 to determine which detainees should get paid for which</p> <p>11 days?</p> <p>12 A I don't know all the specific documents.</p> <p>13 There's -- the work rosters that acknowledge a detainee</p> <p>14 worked on that day. And I'm not familiar with all the</p> <p>15 specific steps that are -- that is involved with what's</p> <p>16 maintained in the business office.</p> <p>17 Q Okay. So there's a work roster. Who maintains</p> <p>18 the work roster?</p> <p>19 A I'm not -- I'm not familiar with the details as</p> <p>20 to who maintains it. It ultimately ends up in the</p> <p>21 business office for the detainee payments.</p> <p>22 Q Do detainees control the work roster?</p> <p>23 A No.</p> <p>24 Q So GEO controls the work roster?</p> <p>25 A Yes.</p> <p>Page 142</p>	<p>1 a shift, that's not the same thing as a list of who</p> <p>2 earned \$1 a do day.</p> <p>3 Do you see the distinction?</p> <p>4 MS. ARMSTRONG: Objection. Vague.</p> <p>5 THE WITNESS: I'm not familiar with the</p> <p>6 processes that -- as to how it's filled out and how it</p> <p>7 goes from point A to point B. I understand your</p> <p>8 question, but I'm not familiar with the specific</p> <p>9 processes.</p> <p>10 BY MS. WRIGHT:</p> <p>11 Q My question is, does GEO keep track of it's</p> <p>12 payments to detainees under the Voluntary Work Program?</p> <p>13 A Yes. There's a tracking mechanism. I can't</p> <p>14 speak to the specifics of it. That ends up in the</p> <p>15 business office for payment to the detainee population.</p> <p>16 Q Is the tracking mechanism a physical piece of</p> <p>17 paper?</p> <p>18 A I don't know. I don't know what it is.</p> <p>19 Q Is it a computer program?</p> <p>20 A I -- I don't want to misspeak. I don't know.</p> <p>21 Q What is it called?</p> <p>22 A I've heard it referred to as the detainee</p> <p>23 payroll sheets, detainee payroll sheets.</p> <p>24 Q But as you sit here today, you don't know what</p> <p>25 form the detainee payroll sheets take, whether</p> <p>Page 144</p>
<p>1 Q And is the work roster a list of who's going to</p> <p>2 work on any particular crew? What is -- tell me more</p> <p>3 about the work roster?</p> <p>4 MS. ARMSTRONG: Objection. Vague.</p> <p>5 THE WITNESS: To my knowledge, it's a roster of</p> <p>6 detainees that are eligible and approved to work in a</p> <p>7 certain area. And it has their names. And it has a</p> <p>8 series of dates as to a period of time when they</p> <p>9 actually worked or did not work.</p> <p>10 BY MS. WRIGHT:</p> <p>11 Q Do detainees sign the work roster after every</p> <p>12 shift?</p> <p>13 A I'm not 100 percent sure.</p> <p>14 Q But the work rosters are an accurate list of</p> <p>15 who worked on any given shift on any given day in the</p> <p>16 Voluntary Work Program; is that right?</p> <p>17 MS. ARMSTRONG: Objection. Calls for</p> <p>18 speculation.</p> <p>19 THE WITNESS: It's to my knowledge a list of</p> <p>20 detainees that are approved and eligible to work in --</p> <p>21 at a certain job for that department or that area.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q But the question is, how does GEO know who to</p> <p>24 pay? If the work roster is -- is just a list of people</p> <p>25 who are eligible and could show up if they wanted to for</p> <p>Page 143</p>	<p>1 they're --</p> <p>2 A No.</p> <p>3 Q -- a physical piece of paper or a computer</p> <p>4 program?</p> <p>5 A No, I don't.</p> <p>6 Q And as you sit here today, you have -- you</p> <p>7 don't know whether detainees have to sign to confirm</p> <p>8 that they've worked any specific day?</p> <p>9 A Not 100 percent, I don't know.</p> <p>10 Q Do you know to any percentage of certainty?</p> <p>11 A No.</p> <p>12 Q So all you know as warden of the facility is</p> <p>13 that detainees work and detainees get paid through</p> <p>14 commissary, but you don't know what happens in between;</p> <p>15 is that correct?</p> <p>16 MS. ARMSTRONG: Objection. Misstates prior</p> <p>17 testimony. Calls for speculation and lacks foundation.</p> <p>18 THE WITNESS: I don't know the specifics to the</p> <p>19 processes that leads up to their payment from the</p> <p>20 business office.</p> <p>21 BY MS. WRIGHT:</p> <p>22 Q I'm not asking for specifics. I'm asking for</p> <p>23 generally what happens. So can you tell me generally</p> <p>24 how do detainees get paid? What is that process?</p> <p>25 A The detainee works. The hours and days that</p> <p>Page 145</p>

<p>1 they work is recorded in some fashion or form and it's</p> <p>2 forwarded to -- eventually to the business office for</p> <p>3 payment.</p> <p>4 Q And who in the business office handles that</p> <p>5 transaction?</p> <p>6 A To the best of my knowledge, Peggy Turner.</p> <p>7 Q What's her job title?</p> <p>8 A Her title is bookkeeper.</p> <p>9 Q So to the best of your knowledge, Peggy Turner</p> <p>10 is the person who's responsible for ensuring that the</p> <p>11 detainees actually are paid?</p> <p>12 A For processing the payroll or -- yes, that</p> <p>13 ultimately pays them to the best of my knowledge, yes.</p> <p>14 Q Are you the person who's ultimately responsible</p> <p>15 for ensuring that detainees are paid pursuant to this</p> <p>16 policy?</p> <p>17 A The business -- ultimately, if there's an issue</p> <p>18 with the payroll of any type for the detainee</p> <p>19 population, I would get involved to look at the issue</p> <p>20 and have it corrected, if there is an issue, if it rose</p> <p>21 to my level, yes.</p> <p>22 Q When the facility is audited, do the auditors</p> <p>23 check the detainee payroll sheets?</p> <p>24 A I don't know.</p> <p>25 Q Do you know if the auditors verify in any way</p> <p style="text-align: right;">Page 146</p>	<p>1 Voluntary Work Program Policy, Detainee Responsibility,</p> <p>2 if you look at that portion that I've highlighted.</p> <p>3 Says, "The detainee will exercise care in performing</p> <p>4 assigned work using safety equipment and other</p> <p>5 precautions in accordance with the work supervisor's</p> <p>6 instructions."</p> <p>7 Did I read that correctly?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Now, the work supervisor is a GEO employee;</p> <p>10 right?</p> <p>11 A Yes.</p> <p>12 Q And the work supervisor --</p> <p>13 So a GEO employee provides the detainee worker</p> <p>14 with instructions of how to complete the functions of</p> <p>15 their job?</p> <p>16 A Yes.</p> <p>17 Q And the GEO work supervisor also provides</p> <p>18 safety equipment to the detainees; is that right?</p> <p>19 A Yes. If safety equipment is necessary, yes.</p> <p>20 Q And the GEO worker supervisor instructs the</p> <p>21 detainees on the precautions that the detainee needs to</p> <p>22 take in order to complete the assigned job; is that</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q And it's correct that GEO assigns the work for</p> <p style="text-align: right;">Page 148</p>
<p>1 whether the detainee workers are actually paid the \$1 a</p> <p>2 day that they've earned?</p> <p>3 MS. ARMSTRONG: Objection. Vague as to</p> <p>4 auditing -- auditors.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MS. WRIGHT:</p> <p>7 Q So you have no personal knowledge whether</p> <p>8 there's any outside oversight of the compensation system</p> <p>9 of the Voluntary Work Program?</p> <p>10 MS. ARMSTRONG: Objection. Vague.</p> <p>11 THE WITNESS: I'm not aware of the outer</p> <p>12 process, if there is.</p> <p>13 BY MS. WRIGHT:</p> <p>14 Q You're not aware of the audit process. What do</p> <p>15 you mean by that?</p> <p>16 A If there is an audit process or an audit of the</p> <p>17 detainee payroll, I'm not familiar with it at all.</p> <p>18 Q Are you, as the warden, informed of the results</p> <p>19 of audits of the Adelanto Facility?</p> <p>20 MS. ARMSTRONG: Objection. Vague as to audits.</p> <p>21 THE WITNESS: If there's findings.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q What do you mean if there's findings?</p> <p>24 A If there's a negative finding.</p> <p>25 Q Let's look at Section L on Exhibit 22.</p> <p style="text-align: right;">Page 147</p>	<p>1 the detainees in the Voluntary Work Program?</p> <p>2 MS. ARMSTRONG: Objection. Vague.</p> <p>3 THE WITNESS: Yes, in accordance with PBNDS</p> <p>4 standards.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q Right. But the detainees don't assign</p> <p>7 themselves work?</p> <p>8 A No, ma'am.</p> <p>9 Q The GEO tells detainees where to go and what to</p> <p>10 do once they get there?</p> <p>11 A If the detainee volunteers for work, signs up,</p> <p>12 fills out one of the applications we discussed earlier,</p> <p>13 they are considered -- if approved, they're ultimately</p> <p>14 assigned to the job that they asked to work.</p> <p>15 Q And GEO provides all detainee workers with not</p> <p>16 just the safety equipment that they need, but all</p> <p>17 equipment that they need to fulfill their jobs; is that</p> <p>18 right?</p> <p>19 A Yes.</p> <p>20 Q Do detainee workers have keys to the tool room</p> <p>21 or the maintenance room where tools are kept?</p> <p>22 A No.</p> <p>23 Q Who has those keys?</p> <p>24 A Staff, GEO staff.</p> <p>25 Q So GEO staff controls detainee access to the</p> <p style="text-align: right;">Page 149</p>

<p>1 tools, the equipment that they need?</p> <p>2 A Yes.</p> <p>3 Q Go ahead and flip to page 7 of Exhibit 22.</p> <p>4 Subsection M of Policy 8.1.8 is Detainee Training and</p> <p>5 Safety. "Detainee working conditions shall comply with</p> <p>6 all applicable federal state or local work safety laws</p> <p>7 and regulations."</p> <p>8 Did I read that correctly?</p> <p>9 A Yes.</p> <p>10 Q And then it gives some examples, including but</p> <p>11 not limited to occupational safety and health</p> <p>12 administration or OSHA regulations, national fire</p> <p>13 protection association and it kind of goes on from</p> <p>14 there; right?</p> <p>15 A Yes.</p> <p>16 Q So GEO is responsible for ensuring that the</p> <p>17 detainee working conditions at Adelanto comply with</p> <p>18 federal, state or local work safety laws and</p> <p>19 regulations; is that correct?</p> <p>20 A Yes.</p> <p>21 Q And GEO controls the working conditions for</p> <p>22 detainee workers at Adelanto?</p> <p>23 MS. ARMSTRONG: Objection. Vague.</p> <p>24 THE WITNESS: Yes.</p> <p>25 ///</p> <p>Page 150</p>	<p>1 Have you ever seen this document before?</p> <p>2 A Not that I'm aware of.</p> <p>3 Q Okay. If you flip to the very last page of the</p> <p>4 packet. You see at the bottom it says updated,</p> <p>5 September 19th, 2016. You can look at the screen also?</p> <p>6 A I see it.</p> <p>7 Q Do you see it? Do you see that?</p> <p>8 A Yes.</p> <p>9 Q Now, this is a -- this appears to be a sort of</p> <p>10 new hire packet for a kitchen worker at the Adelanto</p> <p>11 Facility.</p> <p>12 Is that an accurate characterization of this</p> <p>13 exhibit?</p> <p>14 A I'm not familiar with the document. Initial</p> <p>15 Hazardous Communication Safety Training is what the</p> <p>16 document states.</p> <p>17 Q Okay. Well let's go through it. So on the</p> <p>18 first page we see food service department safety</p> <p>19 training certification. This is certification that</p> <p>20 training has been conducted in accordance with OSHA</p> <p>21 hazard communications standard and then it lists the</p> <p>22 statute.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q So are kitchen workers, kitchen -- you</p> <p>Page 152</p>
<p>1 BY MS. WRIGHT:</p> <p>2 Q No. 2 in Subsection M says, "Upon the</p> <p>3 detainee's assignment to a job or detail, the supervisor</p> <p>4 shall provide thorough instructions regarding safe work</p> <p>5 methods and, if relevant, hazardous materials."</p> <p>6 Did I read that correctly?</p> <p>7 A Yes.</p> <p>8 Q You agree that GEO is -- a GEO supervisor</p> <p>9 provides detainee workers with thorough instructions</p> <p>10 regarding the safe work methods that need to be applied</p> <p>11 at the facility?</p> <p>12 A There's safety training for detainees when they</p> <p>13 take a voluntary job.</p> <p>14 Q Do all detainees receive safety training?</p> <p>15 A To the best of my knowledge, if they have a --</p> <p>16 if they're approved for a job.</p> <p>17 Q Let's look at an example. I'm going to hand</p> <p>18 you Exhibit 30.</p> <p>19 (Plaintiffs' Exhibit 30 was marked for</p> <p>20 identification by the Certified Shorthand Reporter and</p> <p>21 attached hereto.)</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q This is a packet on GEO letterhead. It's</p> <p>24 entitled the GEO Group, Inc. Initial/Hazardous</p> <p>25 Communications Safety Training.</p> <p>Page 151</p>	<p>1 mentioned training earlier on hazardous materials. Is</p> <p>2 this an example of the training that a kitchen worker</p> <p>3 would receive with respect to hazardous materials?</p> <p>4 MS. ARMSTRONG: Objection. Calls for</p> <p>5 speculation.</p> <p>6 THE WITNESS: I'm not familiar with the</p> <p>7 document. That's what the document says they would</p> <p>8 receive.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Look at page -- the next page of this packet,</p> <p>11 Bates stamped 117. Do you see at the bottom of this</p> <p>12 page, says revised March 20th of 2017.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q This is entitled Detainee Kitchen Worker</p> <p>16 Orientation Checklist.</p> <p>17 Have you ever seen this document?</p> <p>18 A No, not that I'm aware of.</p> <p>19 Q Do you have any understanding of what this</p> <p>20 document is?</p> <p>21 A States Detainee Kitchen Worker Orientation</p> <p>22 Checklist, is what the title of it is?</p> <p>23 Q So this appears to be a checklist that's used</p> <p>24 in training a new kitchen worker; is that right?</p> <p>25 A The document states Detainee Kitchen Worker</p> <p>Page 153</p>

<p>1 Orientation Checklist. 2 Q Do you agree that this appears to be a 3 checklist used in training a new kitchen worker? 4 MS. ARMSTRONG: Objection. Asked and answered. 5 He says he doesn't know. 6 THE WITNESS: I don't know if it's new -- 7 existing. I don't know how often it's used in the food 8 service department. 9 BY MS. WRIGHT: 10 Q Do you agree that this is a checklist for 11 training a food service, a kitchen worker at Adelanto? 12 MS. ARMSTRONG: Objection. Asked and answered. 13 THE WITNESS: It's an orientation checklist and 14 food service. 15 BY MS. WRIGHT: 16 Q At Adelanto? 17 A Yes. 18 Q Turn to the next page, which is Bates 118. 19 What's the title of this page, sir? 20 A Kitchen Worker Rules and Regulations. 21 Q What is this document to the best of your 22 understanding? 23 A It appears to be the rules and regulations for 24 a kitchen worker. 25 Q The rules and regulations that -- that are set</p> <p style="text-align: right;">Page 154</p>	<p>1 this document is utilized, the detainees would receive 2 this information. 3 Q Well, even if it's not utilized, I mean just 4 generally, GEO employees, the food service manager, this 5 food service supervisor will train detainees on 6 sanitation in the kitchen before they work in the 7 kitchen; is that right? 8 A Yes. 9 Q The next page Bates stamp is 120, what is the 10 title of this document? 11 A Excuse me? 12 Q What is the title of this document, please? 13 A Hand Washing Procedures. 14 Q And what is this to the best of your 15 understanding? 16 A Basic instructions for washing their hands for 17 proper sanitation and cleanliness. 18 Q So to the best of your knowledge, detainee 19 workers participating in the Voluntary Work Program in 20 the food service on a food service crew are instructed 21 by GEO about proper handwashing procedures; is that 22 correct? 23 MS. ARMSTRONG: Objection. Calls for 24 speculation. 25 THE WITNESS: To the best of my knowledge.</p> <p style="text-align: right;">Page 156</p>
<p>1 by GEO for a detainee kitchen worker; is that correct? 2 MS. ARMSTRONG: Objection. Calls for 3 speculation. 4 THE WITNESS: It's -- it's got a GEO Group 5 header on it. It sets forth kitchen worker rules and 6 regulations. I'm not familiar with the document. 7 BY MS. WRIGHT: 8 Q Do detainees create their own rules and 9 regulations for their jobs? 10 A No. 11 Q GEO creates the rules and regulations for each 12 detainee job; right? 13 A GEO does in accordance with the contract and 14 PBNDS, yes. 15 Q Let's look at the next page, Bates stamp is 16 GEO-Novoa-119. Read the title of this page, please? 17 A Sanitation Practices and Food Handling. 18 Q And what is this document to the best of your 19 understanding? 20 A It appears to be some bullets of safe 21 sanitation practices and food handling. 22 Q So GEO instructs detainee workers in the 23 kitchen regarding safe sanitation practices. Is that 24 accurate? 25 A I'm not familiar with the processes, but if</p> <p style="text-align: right;">Page 155</p>	<p>1 BY MS. WRIGHT: 2 Q Let's look at the next page, Bates Stamp 121, 3 titled Sanitation Rules. Does GEO instruct detainee 4 workers on a food service crew about appropriate 5 sanitary rules? 6 A The -- GEO does instruct, yes. 7 Q And GEO ensures that these rules and all the 8 rules are actually complied with by detainee workers; 9 right? 10 MS. ARMSTRONG: Objection. Vague. 11 THE WITNESS: This is the information that's 12 provided to the detainee population. I'm not in food 13 service on a daily basis. 14 BY MS. WRIGHT: 15 Q Generally speaking, GEO creates these rules for 16 detainee workers; is that right? 17 A Yes. 18 Q And GEO expects that detainee workers follow 19 the rules; is that right? 20 A Yes. 21 Q And GEO supervises detainee workers to make 22 sure that they're following the rules; is that right? 23 A Yes. 24 Q And if detainee workers break a rule, the 25 worker can be penalized or punished in some way; is that</p> <p style="text-align: right;">Page 157</p>



<p>1 right?</p> <p>2 A Depends on the severity of the rule violation.</p> <p>3 Q So the detainee workers who break a rule, can</p> <p>4 be punished, but there's a scale of the severity of the</p> <p>5 punishment? Is that what you're saying?</p> <p>6 A They can be.</p> <p>7 Q And a detainee who violates a rule -- excuse</p> <p>8 me. A detainee participating in the Voluntary Work</p> <p>9 Program who violates one of GEO's rules with respect to</p> <p>10 the job can be terminated from that position?</p> <p>11 A They can be.</p> <p>12 Q Let's look at the next page, Bates Stamp 122,</p> <p>13 titled Equipment Safety. Now, I think you already</p> <p>14 testified that GEO provided detainee workers with all of</p> <p>15 the equipment that they'll need for their given job</p> <p>16 assignments; is that right?</p> <p>17 A Yes.</p> <p>18 Q That includes personal protective equipment?</p> <p>19 A Yes.</p> <p>20 Q Or PPE?</p> <p>21 A Yes.</p> <p>22 Q Is that what it's known as?</p> <p>23 A Yes.</p> <p>24 Q And that includes uniforms?</p> <p>25 A Yeah, well, are you speaking specifically to</p> <p style="text-align: right;">Page 158</p>	<p>1 trainer and the trainee, the detainee to sign?</p> <p>2 A Correct.</p> <p>3 Q So is it your understanding that all detainees</p> <p>4 working in food service are provided with hazardous</p> <p>5 chemical training by GEO?</p> <p>6 A To the best of my knowledge.</p> <p>7 Q Let's flip to page 76. The Bates stamp is 125.</p> <p>8 This document is entitled Equipment Training.</p> <p>9 What is this document to the best of your</p> <p>10 knowledge?</p> <p>11 A It appears to be an -- an initial training</p> <p>12 checklist on some of the different equipment that's in</p> <p>13 the food service department.</p> <p>14 Q So detainee workers are not only provided with</p> <p>15 all the equipment that they need to fulfill their jobs,</p> <p>16 but GEO also trains them on how to use that equipment;</p> <p>17 is that right?</p> <p>18 MS. ARMSTRONG: Objection. Calls for</p> <p>19 speculation. Vague.</p> <p>20 THE WITNESS: To the best of my knowledge.</p> <p>21 BY MS. WRIGHT:</p> <p>22 Q Flip to the next page. This is Bates</p> <p>23 Stamped 126. This is entitled Kitchen Worker Skills</p> <p>24 Checklist.</p> <p>25 What is this document to the best of your</p> <p style="text-align: right;">Page 160</p>
<p>1 food service or are you speaking to different jobs?</p> <p>2 Q Well, let's take a holistic view. Certain jobs</p> <p>3 require detainee workers to wear uniforms; right?</p> <p>4 A Yes.</p> <p>5 Q Food service is one of those jobs?</p> <p>6 A Yes.</p> <p>7 Q What other jobs require detainees to wear</p> <p>8 uniforms?</p> <p>9 A Different than their normal uniform?</p> <p>10 Q Right. Yes. Thank you.</p> <p>11 A To the best of my knowledge, only food service.</p> <p>12 Q Does GEO -- does GEO provide detainees working</p> <p>13 in the kitchen through the Voluntary Work Program with</p> <p>14 the uniforms that are required as part of their jobs in</p> <p>15 the kitchen?</p> <p>16 A Yes.</p> <p>17 Q Turn to the next page, 74. Bates stamp is</p> <p>18 GEO-Novoa-123.</p> <p>19 What is the title of this document, please?</p> <p>20 A Hazardous Chemical Training Acknowledgment.</p> <p>21 Q And what is this document to the best of your</p> <p>22 understanding?</p> <p>23 A It's an overview of chemical training and</p> <p>24 possible chemical hazards.</p> <p>25 Q And then at the bottom, there's a place for the</p> <p style="text-align: right;">Page 159</p>	<p>1 knowledge?</p> <p>2 A It appears to be a checklist for the proper</p> <p>3 sanitation and cleaning methods for some of the areas in</p> <p>4 food service.</p> <p>5 Q These, again, GEO instructs and trains the</p> <p>6 detainees on the proper sanitation and cleaning methods</p> <p>7 that the detainees should use to fulfill their jobs in</p> <p>8 the work program; is that right?</p> <p>9 A To the best of my knowledge, yes.</p> <p>10 Q And then GEO expects the detainees to actually</p> <p>11 use those methods in accomplishing their jobs; is that</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q Go to Bates Stamp 127, the next document in</p> <p>15 this packet. Now, this is titled Offender Kitchen</p> <p>16 Worker Orientation Checklist. Is it your understanding</p> <p>17 that this document is used at Adelanto Detention Center?</p> <p>18 A Again, I'm not familiar with this document.</p> <p>19 This is the first time that I've seen it.</p> <p>20 Q Do you know whether there's an orientation</p> <p>21 checklist that GEO supervisors use when they train</p> <p>22 detainees in any department or any work crew?</p> <p>23 A There is a training process, that's conducted,</p> <p>24 but I'm not sure the specific documents that are used.</p> <p>25 Q And to be clear, there's a training process of</p> <p style="text-align: right;">Page 161</p>



<p>1 detainee workers that is conducted by GEO supervisors; 2 is that right? 3 A Correct. 4 Q The detainees don't train themselves and they 5 don't train each other; right? 6 A Correct. 7 Q Okay. Next page, GEO-Novoa 128 is the Bates 8 stamp. If you look at the bottom, it says updated 9 9/19/2016. 10 Do you see that? 11 A Yes. 12 Q And at the top it says, Adelanto Detention 13 Facility West Detainee Job Description. And the job 14 title is dishwasher/pots and pans. 15 Do you see that? 16 A Yes. 17 Q What is this document to the best of your 18 knowledge? 19 A It appears to be the job description for 20 detainee dishwasher/pots and pans. 21 Q Is there a detainee job description that GEO 22 creates for every Voluntary Work Program position? 23 A To the best of my knowledge, yes. 24 Q What's the purpose of this document? 25 MS. ARMSTRONG: Objection. Calls for</p> <p style="text-align: right;">Page 162</p>	<p>1 bottom; right? 2 A Yes. 3 Q So it also informs the detainee of what 4 specific actions or misconduct will result in the 5 detainee being terminated from the job; correct? 6 A If -- yes. If a detainee fails to follow these 7 basic instructions, yes. 8 Q So, for example, unsatisfactory work 9 performance is on this list. If a GEO supervisor 10 concludes that the detainee's work on the job is 11 unsatisfactory, then GEO can terminate the detainee from 12 the work program? 13 A Yes. 14 Q And for the sake of completeness, let's look at 15 the very last page in this packet. This is a detainee 16 job description for a cook, prep, server position. 17 Do you -- to the best of your knowledge is this 18 an accurate and updated job description for the detainee 19 cook, prep, server position? 20 A I'm not sure if it's the most recent. The date 21 on here is September 19th of '16. I'm not sure if it's 22 the most recent. 23 Q Who at GEO is in charge of creating these 24 detainee job descriptions? 25 A Not 100 percent sure.</p> <p style="text-align: right;">Page 164</p>
<p>1 speculation. 2 THE WITNESS: To give some basic work duties 3 that the job will entail and some of the training 4 requirements. 5 BY MS. WRIGHT: 6 Q Does the detainee worker receive this job 7 description? 8 A To the best of my knowledge, yes. 9 Q So this lays out -- well, specific work duties, 10 so what the detainee will be expected to do on the job; 11 right? 12 A Yes. 13 Q And it lays out special requirements that the 14 detainee needs to fulfill in order to be eligible to be 15 hired for the job; right? 16 A Yes. 17 Q Lays out specific training requirements, so 18 specific training programs that the detainee will have 19 to undergo in order to be qualified to work the specific 20 job; is that right? 21 A Yes. 22 Q These trainings are -- I think you already said 23 provided by GEO? 24 A Yes. 25 Q And then there's a termination policy at the</p> <p style="text-align: right;">Page 163</p>	<p>1 Q What's your best guess? 2 A It would be food service personnel. Maybe the 3 food service manager for her department. 4 Q So the supervisor of each specific department 5 is responsible for creating a detainee job description 6 for the detainee jobs within that department? 7 A They have input. I'm not sure as to who 8 actually develops them, but there is input. 9 Q Would it be the classification office? 10 A I'm not sure. 11 Q So let's go back to Exhibit 22, Policy 8.1.8. 12 Flip to page 6, please. At the very bottom, Subsection 13 Q. It says Work Detail Job Descriptions. "The office 14 records manager will maintain written work detail job 15 descriptions." 16 Do you see that? 17 A Yes. 18 Q Do you think the work -- the office records 19 manager is responsible for creating work detail job 20 descriptions? 21 A I'm not sure. 22 Q But you agree that the office records manager 23 is responsible for maintaining written work detail job 24 descriptions? 25 A That's what the policy states. I'm not 100</p> <p style="text-align: right;">Page 165</p>

<p>1 percent sure.</p> <p>2 Q So if the office records manager did not</p> <p>3 maintain written work detail job descriptions, that</p> <p>4 would be a violation of this policy.</p> <p>5 Do you agree?</p> <p>6 A It would not be consistent with the policy, but</p> <p>7 I'm not sure where they're maintained.</p> <p>8 Q So it would be a violation of the policy, you</p> <p>9 agree?</p> <p>10 A It wouldn't be consistent with the policy, yes.</p> <p>11 Q I'm not asking if it would be consistent. I'm</p> <p>12 asking if the office records manager failed to maintain</p> <p>13 written work detailed job descriptions, if the office</p> <p>14 records manager would be violating Policy 8.1.8?</p> <p>15 MS. ARMSTRONG: Objection. Vague as to</p> <p>16 violate. Vague as to office records manager. Asked and</p> <p>17 answered.</p> <p>18 THE WITNESS: I don't know if it would be</p> <p>19 considered as a violation. It would just not be</p> <p>20 consistent with the policy.</p> <p>21 BY MS. WRIGHT:</p> <p>22 Q As the warden of the detention center, your</p> <p>23 testimony is that you don't know whether it would</p> <p>24 violate the policy that's written right here if the</p> <p>25 office records manager did the opposite of what is</p> <p style="text-align: right;">Page 166</p>	<p>1 A I was looking at the -- at doing some</p> <p>2 beautification projects, as far as like, I use the term,</p> <p>3 say, flower beds, or having some beautification</p> <p>4 projects. And ICE at the facility told me they would</p> <p>5 not allow it.</p> <p>6 Q Who did you ask at ICE?</p> <p>7 A I had the conversation with the AFOD,</p> <p>8 Mr. Valdez.</p> <p>9 Q Is this part of the same conversation where you</p> <p>10 discussed the compensation rate of the detainee work</p> <p>11 program with Mr. Valdez?</p> <p>12 A I don't recall if it was the exact same</p> <p>13 conversation, but it was right around the same time.</p> <p>14 Q So right around September of 2014?</p> <p>15 A I'm not going say that early. It would have</p> <p>16 been in the fall of 2014, somewhere in the latter part</p> <p>17 of 2014?</p> <p>18 Q Mr. Valdez's job title at the time was AFOD?</p> <p>19 A Assistant field office director.</p> <p>20 Q What is your understanding of the job</p> <p>21 responsibilities of the assistant field office director?</p> <p>22 A The assistant field office director is the</p> <p>23 highest ranking ICE official at that time on grounds</p> <p>24 that had oversight and responsibility over the daily</p> <p>25 operations of the facility.</p> <p style="text-align: right;">Page 168</p>
<p>1 written in the policy?</p> <p>2 MS. ARMSTRONG: Objection --</p> <p>3 BY MS. WRIGHT:</p> <p>4 Q That's your testimony?</p> <p>5 MS. ARMSTRONG: -- vague. Compound. Misstates</p> <p>6 prior testimony. Asked and answered.</p> <p>7 THE WITNESS: My testimony was that it is not</p> <p>8 consistent with the way the policy is written, if that</p> <p>9 person or that position did not maintain that policy.</p> <p>10 BY MS. WRIGHT:</p> <p>11 Q Now, GEO can create a new Voluntary Work</p> <p>12 Program position when it becomes necessary; right?</p> <p>13 MS. ARMSTRONG: Object. Vague.</p> <p>14 THE WITNESS: It would -- it would have to be</p> <p>15 with the approval of ICE, if it's outside the scope of</p> <p>16 PBNDS, what PBNDS outlines as jobs that detainees may</p> <p>17 have as voluntary jobs.</p> <p>18 BY MS. WRIGHT:</p> <p>19 Q Have you ever requested an approval from ICE to</p> <p>20 create a new detainee work program job?</p> <p>21 A I had discussions when I first got to the</p> <p>22 facility about the possibility of having outside grounds</p> <p>23 crew. And ICE did not authorize it.</p> <p>24 Q Why did you -- why did you want to have an</p> <p>25 outside grounds crew of detainee workers?</p> <p style="text-align: right;">Page 167</p>	<p>1 Q So is it your understanding that at the time</p> <p>2 Mr. Valdez had the authority to create a new Voluntary</p> <p>3 Work Program job?</p> <p>4 A I don't know if he had the authority personally</p> <p>5 or if he would have to get approval from above him. I</p> <p>6 don't know exactly ICE's processes to approve that.</p> <p>7 Q At the time, who was directly above Mr. Valdez</p> <p>8 in the chain of command?</p> <p>9 A I don't remember who the -- the position is</p> <p>10 called a DFOD. I don't recall who the DFOD was then.</p> <p>11 Q But the DFOD is not -- does not maintain an</p> <p>12 office at Adelanto?</p> <p>13 A No.</p> <p>14 Q Where is that office located?</p> <p>15 A The L.A. field office -- L.A. I'm sorry.</p> <p>16 Q Did you -- when Mr. Valdez denied your request</p> <p>17 to create an outside grounds crew position in the</p> <p>18 Voluntary Work Program, did you ask anybody else at ICE</p> <p>19 to create that position?</p> <p>20 A Not that I recall.</p> <p>21 Q Did you ask anybody at GEO about creating that</p> <p>22 position?</p> <p>23 A Not that I recall.</p> <p>24 Q So Mr. Valdez denied your request to create an</p> <p>25 outside grounds crew or a landscaping crew, it sounds</p> <p style="text-align: right;">Page 169</p>

<p>1 like what you're describing; is that accurate?</p> <p>2 A Similar, yes.</p> <p>3 Q Did you end up doing the landscaping?</p> <p>4 A We contracted with a private landscape crew to</p> <p>5 come out. And they come out routinely to do our grounds</p> <p>6 and some landscaping as needed.</p> <p>7 Q Hand you Exhibit 31.</p> <p>8 (Plaintiffs' Exhibit 31 was marked for</p> <p>9 identification by the Certified Shorthand Reporter and</p> <p>10 attached hereto.)</p> <p>11 BY MS. WRIGHT:</p> <p>12 Q Actually, before we move on to this, did</p> <p>13 Mr. Valdez give you a reason for his denial of the --</p> <p>14 your request to create an outside grounds crew?</p> <p>15 A To the best of my memory, he wasn't comfortable</p> <p>16 with having detainees outside of the secure facility. I</p> <p>17 don't remember the specifics of the conversation.</p> <p>18 Q And my understanding, as we've discussed</p> <p>19 earlier, is that to date detainees are not allowed</p> <p>20 outside of the secured perimeter?</p> <p>21 A That's correct.</p> <p>22 Q Is that the right lingo?</p> <p>23 A That's correct.</p> <p>24 Q Thinking back to your conversation with</p> <p>25 Mr. Valdez about increasing compensation for detainees</p> <p>Page 170</p>	<p>1 A Again, I don't know the ICE processes, if he</p> <p>2 would have to get that approval above him or -- I didn't</p> <p>3 ask.</p> <p>4 Q Did he provide the answer to you on the spot</p> <p>5 during your conversation or did he take some time to</p> <p>6 think about it and come back to you with an answer?</p> <p>7 A To the best of my recollection, it was a</p> <p>8 conversation we had. In the conversation, he gave me</p> <p>9 the -- his response during the conversation, at that</p> <p>10 time, was no, we're not going to pay more. I don't</p> <p>11 recall him coming back to me at a later date or</p> <p>12 anything.</p> <p>13 Q Okay. Now, we're ready for Exhibit 31. This</p> <p>14 is an e-mail. And we're going to review the e-mail from</p> <p>15 the back, because that's the newest one, but before we</p> <p>16 do that, I'll just show you at the very top, the most</p> <p>17 recent e-mail in this chain is from Kyle Fouts. It was</p> <p>18 sent on May 29th, 2015 to you. The subject line is</p> <p>19 Forward Regarding New Worker Positions. And there are a</p> <p>20 couple of attachments here containing Detainee Work</p> <p>21 Detail Application and Warehouse Worker.</p> <p>22 Is that all right?</p> <p>23 A (No audible response.)</p> <p>24 Q Who is Kyle Fouts?</p> <p>25 A He was deputy warden at that time.</p> <p>Page 172</p>
<p>1 in the work program, what was the reason that Mr. Valdez</p> <p>2 gave for declining your request to increase</p> <p>3 compensation?</p> <p>4 A If I recall, he said something to the effect of</p> <p>5 he did not want to set a precedence for paying more. He</p> <p>6 felt that it could have a negative impact or</p> <p>7 repercussion on other detention facilities if a detainee</p> <p>8 that was in Adelanto was receiving a higher</p> <p>9 compensation. And if they were ever in another</p> <p>10 detention facility, that it could cause -- maybe cause a</p> <p>11 disruption for that facility. And he didn't think it</p> <p>12 was a good idea. I don't remember his exact words, but</p> <p>13 in a gist.</p> <p>14 Q So when you say that he thought it might set a</p> <p>15 bad precedence, what exactly do you mean by that?</p> <p>16 A Well, the -- to my understanding, that his --</p> <p>17 his understanding of PBNDS and our contract speaks to \$1</p> <p>18 a day. And that was his position. And I don't want to</p> <p>19 make an assumption for him, but the conversation lead me</p> <p>20 to believe that his previous experience with detainee</p> <p>21 pay has always been the \$1 a day for a day's work. And</p> <p>22 I respect his position and his authority. And that's</p> <p>23 the conversation we had. We left it at that.</p> <p>24 Q And do you know if Mr. Valdez at the time had</p> <p>25 the authority to authorize an increase in compensation?</p> <p>Page 171</p>	<p>1 Q And that's the person directly under you as the</p> <p>2 warden?</p> <p>3 A Correct.</p> <p>4 Q Is there only one deputy warden?</p> <p>5 A Yes.</p> <p>6 Q Who is the current deputy warden?</p> <p>7 A Frank Carroll.</p> <p>8 Q Right. Okay.</p> <p>9 And, actually, this -- the e-mail at the bottom</p> <p>10 of this page, is the first e-mail in this chain?</p> <p>11 MS. ARMSTRONG: Page 2262?</p> <p>12 MS. WRIGHT: That's correct.</p> <p>13 Q Do you recall receiving this e-mail?</p> <p>14 A I don't recall receiving it.</p> <p>15 Q But you do agree that it was sent to your</p> <p>16 e-mail address?</p> <p>17 A Yes.</p> <p>18 Q Okay. If you look at the bottom of this first</p> <p>19 page, 2262, it looks like Mr. Fouts wrote to Angelica.</p> <p>20 And I believe that would be Angelica Hernandez on May</p> <p>21 28th, 2015.</p> <p>22 Do you see that? You can look on the screen</p> <p>23 too, if that's easier.</p> <p>24 A Yes.</p> <p>25 Q Who is Angelica Hernandez?</p> <p>Page 173</p>

<p>1 A She was a former employee of GEO. I'm not sure 2 what her position was. 3 Q When did she leave GEO? 4 A I don't know. 5 Q Was she fired from GEO? 6 A No. No. 7 Q Did she leave GEO recently? 8 A I -- it's been a couple of years maybe. 9 Q If you turn to page 2263, you've got 10 Ms. Hernandez's signature block. It says classification 11 officer. 12 Does that jog your memory? 13 A Okay. Yes. 14 Q She was probably the classification officer? 15 A She was probably one of the classification 16 officers. 17 Q One of five; right? 18 A Yes. 19 Q So Mr. Fouts says to Ms. Hernandez, "Please 20 create two positions for the west warehouse manager to 21 use in addressing his daily duties. These two will be 22 screened under the same criteria as the detainees we use 23 in the laundry." 24 Do you see that? 25 A Yes.</p> <p style="text-align: right;">Page 174</p>	<p>1 have been. I don't recall. After the construction in 2 July of 2015, our warehouse was moved outside the secure 3 perimeter. We no longer have detainee workers in the 4 warehouse. 5 Q Okay. And that was in 2015 that the warehouse 6 was moved outside the secured perimeter? 7 A The extension -- when the expansion occurred 8 and was completed in July of 2015, the warehouse -- 9 there was a warehouse built outside of the secured 10 perimeter that's staffed with two GEO employees. No 11 detainee workers. 12 Q Do you have any reason to believe -- this 13 e-mail is dated May 28th, 2015. So is it possible that 14 GEO created two warehouse worker positions to help the 15 west warehouse manager in addressing his daily duties 16 for the months between the date of this e-mail and when 17 the expansion was completed and the warehouse was moved 18 outside the secured perimeter? 19 MS. ARMSTRONG: Objection. Vague. 20 THE WITNESS: I don't recall. 21 BY MS. WRIGHT: 22 Q If -- 23 A May be possible, but I don't remember or 24 recall. 25 Q Do you have any reason to believe that it</p> <p style="text-align: right;">Page 176</p>
<p>1 Q So in May of 2015, GEO created two new 2 warehouse worker positions for west; is that right? 3 MS. ARMSTRONG: Objection. Assumes facts not 4 in evidence. 5 THE WITNESS: The document says here's the job 6 description and the work detail for the application. I 7 don't recall if we actually created the positions. I 8 don't recall. 9 BY MS. WRIGHT: 10 Q But you recall -- do you recall seeing or 11 receiving a request to create a warehouse worker 12 position? 13 A I don't recall. 14 Q Do you recall having any discussion with 15 anybody about creating a warehouse worker position? 16 A I don't recall. 17 Q Is there currently a warehouse worker 18 position -- 19 A No. 20 Q -- in the work program? 21 Has there ever been a warehouse worker position 22 in the worker program? 23 A Prior to July 2015 our warehouse was inside the 24 main building at west, I don't recall if we had detainee 25 workers in -- working in that department. There may</p> <p style="text-align: right;">Page 175</p>	<p>1 didn't happen? 2 A No. 3 Q If you look up the chain of e-mails, 4 Ms. Hernandez responds, "Copy that." And then she again 5 e-mails Eric Fouts on May 29th, 2015. And she says, 6 "Here's the warehouse work description and an updated 7 work detail application. As soon as I get approved 8 workers I will hire them immediately." 9 Is that correct? 10 A Yes. 11 Q So is the best of your knowledge, is a 12 classification officer in charge of creating job work 13 descriptions? 14 MS. ARMSTRONG: Objection. Asked and answered. 15 THE WITNESS: They may play a role, but 16 specifically, I don't know if they're the people that 17 actually create the job description. 18 BY MS. WRIGHT: 19 Q Okay. Turn to the next page. This is Bates 20 2264. Really quickly, we have here a warehouse worker 21 job description that was attached to the e-mail that you 22 received from Kyle Fouts. 23 Is that an accurate description of this 24 document? 25 A It's titled warehouse worker. Gives a</p> <p style="text-align: right;">Page 177</p>

<p>1 description of the duties or responsibilities, safety, 2 sanitation and job controls. 3 Q And on the last page, Bates 2265, we see a 4 Detainee Work Detail Application. And you can see that 5 the warehouse position has been added. 6 Do you see that? 7 A Yes. 8 Q But we know that there's a more updated work 9 detail application; right? That's what we've been 10 talking about, Exhibit 26? 11 MS. ARMSTRONG: Objection. Vague. 12 THE WITNESS: I don't recall the dates on the 13 other documents you showed me. 14 BY MS. WRIGHT: 15 Q That's fine. Let's look at Exhibit 32. 16 (Plaintiffs' Exhibit 32 was marked for 17 identification by the Certified Shorthand Reporter and 18 attached hereto.) 19 BY MS. WRIGHT: 20 Q Okay. This is an e-mail chain. So we will 21 start with the last e-mail in the chain, which is on the 22 page labeled Bates GEO-Novoa-128. Okay. Again, you can 23 look up at the screen, if that helps. 24 So this is an e-mail from Todd Larson. It was 25 sent on Friday, March 23rd, 2018. And it was sent to</p> <p style="text-align: right;">Page 178</p>	<p>1 facilities. This is a requirement. It will be 2 discussed in Mr. Donahue's conference call on April 3 4th." 4 So this is -- when he says, "This is a 5 requirement," do you understand him to mean this is a 6 GEO requirement? 7 A It was instructions that came out of the 8 corporate office, yes. 9 Q And who is Mr. Donahue? 10 A Mr. Donahue is senior vice present and 11 president of the company. 12 Q What are his responsibilities to the best of 13 your knowledge? 14 A I -- I don't know what his responsibilities 15 are. He -- he's responsible for a lot of things, but 16 specifically I don't know what -- what his 17 responsibilities are. 18 Q Does he ever visit the Adelanto Facility? 19 A Periodically. 20 Q Does he conduct tours, walk throughs of the 21 Adelanto Facility? 22 A He has periodically. 23 Q Does he check in on how things are going at the 24 facility? 25 MS. ARMSTRONG: Objection. Vague.</p> <p style="text-align: right;">Page 180</p>
<p>1 you among other people. 2 Do you see that? 3 A Yes. 4 Q And the subject is Clean Team. Is that correct 5 so far? 6 A Yes. 7 Q Who is Todd Larson? 8 A He -- I don't know him personally. It's my -- 9 I think he works in our -- either in one of our regional 10 offices or worked -- I'm not sure what his position is. 11 He was in the food service either -- I think in the -- 12 in corporate office. 13 Q So he's GEO corporate? 14 A Yes. He was -- he was, I don't know the 15 gentleman personally. 16 Q But he doesn't still work at GEO to the best of 17 your knowledge? 18 A I don't know. 19 Q Okay. 20 A I don't know. 21 Q Have you received any correspondence with him 22 after March 23rd, 2018 to your knowledge? 23 A Not that I can remember. 24 Q Okay. In this e-mail Mr. Larson says, "As you 25 all know, we need a clean team in place in each of your</p> <p style="text-align: right;">Page 179</p>	<p>1 THE WITNESS: Yeah, I mean, he looks at -- 2 walks through the entire facility. And what he's 3 exactly looking at, I don't know. I mean he looks at 4 the sanitation. He looks at the operation, the overall 5 facility. 6 BY MS. WRIGHT: 7 Q Okay. So here Mr. Larson -- Mr. Larson is 8 telling a host of people, including you, to create a 9 clean team. He says, "This clean team is above and 10 beyond your daily and monthly cleaning schedule. You 11 may only have one or two shifts instead of four, but put 12 the roster of inmates/detainees on the schedule." 13 So do you understand this to mean that 14 Mr. Larson is telling you to create a clean team and 15 staff it with detainee workers? 16 A Yes. 17 Q Do you understand that Mr. Larson is telling 18 you that create a daily and monthly cleaning schedule 19 for the clean team? 20 A I don't see where he uses -- oh, this schedule 21 is generic form. He gave us a -- apparently a generic 22 guide, a generic schedule as to what he was instructed 23 as far as areas of the facilities be cleaned. 24 Q Then he says, "This is not a weekly or monthly 25 list. You already have" -- excuse me. "This is not the</p> <p style="text-align: right;">Page 181</p>



<p>1 weekly or monthly list you already have. It's a daily 2 schedule you will adjust for your facilities schedule." 3 Do you see that? 4 A Yes. 5 Q Do you agree that he's instructing you to 6 create a daily clean team schedule? 7 A That's his instructions, yes. 8 Q And but it's something separate from your 9 facility schedule? 10 A It tells us to adjust for your facility 11 schedule. 12 Q So there's a facility schedule [REDACTED] [REDACTED] [REDACTED] And then he's 15 telling you to create the clean team and create a 16 schedule for the clean team that fits within the 17 facility schedule; is that right? 18 A We will -- the way I understood his direction 19 is that we are to adjust our daily schedule to -- 20 Q To make room for the clean team? 21 A Correct, to add the duties. 22 Q What is a clean team? 23 A It's -- it's a cleaning crew that goes to a 24 certain area and deep cleans that area. 25 Q When -- when you say cleaning crew, it's a Page 182</p>	<p>1 half ago maybe. 2 Q Was she fired? 3 A No. 4 Q Do you know why she left? 5 A She went to work for the state of Washington. 6 Q At the Tacoma Center? 7 A No. 8 Q Do you know what she does for the state of 9 Washington? 10 A I don't know her exact title. 11 Q Who took her place at GEO at the Adelanto 12 Facility? 13 A Joshua Johnson. 14 Q And is he still employed there now as assistant 15 warden? 16 A Yes. 17 Q Okay. So Ms. Love says in her e-mail to you, 18 "Michelle and Dionne did a great job of going the extra 19 mile to formulate a document inclusive of daily, weekly, 20 and monthly cleaning crew work schedule. We will 21 utilize four crews of three detainees from 0700 to 1200 22 hours and 1500 to 1730 hours at west and four crews of 23 two detainees from 0700 to 1200 hours and 1400 to 1800 24 hours at east on a daily basis. We have requested the 25 new jobs through Classification/Work Crew Assignments." Page 184</p>
<p>1 cleaning crew of detainee workers; is that right? 2 A If we have detainees that volunteer to work on 3 that crew or if the detainees don't volunteer or if they 4 don't show up for work, then GEO staff do the cleaning. 5 Q So the clean teams best case scenario is it's 6 staffed by detainee workers. Worst case scenario is 7 it's staffed by GEO employees? 8 A I don't call worst or best. It's a matter of 9 if detainees sign up for it and go to work, then they'll 10 do the cleaning under the direction of staff. If 11 detainees don't go to work or don't sign up and 12 volunteer, then the staff do the cleaning. 13 Q Go ahead and flip to the first page of this 14 e-mail chain. This is Bates GEO-Novoa 1216. 15 Now, it looks like this e-mail is kind of 16 forwarded around internally. On Tuesday, March 27, 17 2018, Patricia Love sent an e-mail to you and cc'd some 18 other people. And the subject is Regarding Forward, 19 Clean Team. 20 Do you see that? 21 A Yes. 22 Q Who is Patricia Love? 23 A She was formerly an assistant warden. 24 Q What is she now? 25 A She left the company approximately year and a Page 183</p>	<p>1 Is that all correct? 2 A That's what she wrote, yes. 3 Q Do you have any reason to believe that what she 4 wrote is incorrect? 5 A No. 6 Q On or around March 27th of 2018, GEO added 24 7 clean team detainee work positions in west and 16 clean 8 team positions in east; is that right? 9 A Appears, if I'm reading her e-mail correctly, 10 we're trying to formulate four crews of three detainees 11 at west, which is 12. And four crews of two detainees 12 at east, which is eight. So a total of 20 positions. 13 Q But at both east and west, there are two 14 shifts; right? And, for instance -- well, correct? Am 15 I correct? There's two shifts of the clean team at east 16 and two shifts at the clean team at west? 17 A Yes. 18 Q And if we look at east, the first shift is five 19 hours long. The second shift is four hours long. And 20 so one detainee cannot work both shifts, right, because 21 that would exceed the four-hour maximum that we've 22 already discussed? 23 A Correct. 24 Q And same thing -- is it the same thing at west? 25 The hours at west are a little bit different; right? Page 185</p>



<p>1 They're a little bit less. 2 A They're different. 3 Q So, therefore, pursuant to Ms. Love's e-mail, 4 GEO created 24 positions at west and 16 positions at 5 east for the clean team for a total of 40 positions for 6 the clean team; right? 7 MS. ARMSTRONG: Objection. Calls for 8 speculation. 9 THE WITNESS: We created the four crews of 10 three at west. It was her direction. And the four 11 crews of two at east for the two different shifts at 12 both buildings, yes. 13 BY MS. WRIGHT: 14 Q Is the clean team part of the Voluntary Work 15 Program? 16 A I don't recall if it is currently. It was at 17 that time. 18 Q Does it still exist? 19 A I don't recall if our actual positions, if we 20 title it clean team, at this time. I don't know. 21 Q Who would know? 22 A One of our classification staff. 23 Q Were detainees who worked on the clean team 24 compensated for their labor? 25 A If they showed up to work, yes.</p> <p style="text-align: right;">Page 186</p>	<p>1 THE WITNESS: It's -- we operate and manage the 2 facility. 3 BY MS. WRIGHT: 4 Q And the detainees work inside the facility? 5 A Yes. 6 Q So GEO operates and manages the spaces in which 7 detainees work? 8 A Yes. 9 Q So GEO controls the spaces in which detainees 10 work? 11 A When you say "controls," can you be a little 12 more -- when you say "control," control is a broad -- in 13 my view pretty broad. 14 Q What do you think control means? 15 A We operate and we manage it. We have the keys 16 to it. It allows access in and out, so we control who's 17 in and who's not in the area. 18 Q GEO's in charge at the Adelanto Facility? 19 A Yes. 20 Q Okay. Let's return to Exhibit 26, which is the 21 detainee work detail application. It's part of an 22 e-mail. 23 A I got them out of order. 24 Q Again, you can look up here too. 25 Now, on the program application we discussed</p> <p style="text-align: right;">Page 188</p>
<p>1 Q So you agree that GEO sets detainee worker 2 shifts; right? 3 A We have the basic hours, yes, for the period of 4 time they're going to work, yes. 5 Q And that GEO controls detainee worker hours? 6 MS. ARMSTRONG: Objection. Vague. 7 THE WITNESS: To the point that a detainee 8 shows up on time or stays for their entire time that 9 they're going to work that day. 10 BY MS. WRIGHT: 11 Q But GEO controls that detainees can't work 12 longer than eight hours a day? 13 A Yes. 14 Q And you agree that GEO supervises detainees for 15 the duration of their shift? 16 A Can you say that again? I'm sorry. 17 Q You agree that GEO supervises detainee workers 18 for the duration of their shift? 19 A Yes. 20 Q And you agree that GEO controls detainee -- the 21 spaces in which detainees work? 22 A Yes. 23 Q So GEO controls detainee worker conditions; is 24 that right? 25 MS. ARMSTRONG: Objection. Vague.</p> <p style="text-align: right;">Page 187</p>	<p>1 earlier, which is Exhibit 26, it says at the top there 2 are 40 paid positions in the Work Member Detail Program. 3 Do you see that? You can look up here if you'd like. 4 A What the document states, yes. 5 Q What does that mean that there are 40 paid 6 positions in the Work Member Detail Program? 7 A Not exactly sure of the meaning, if it's by 8 individual job or if it's -- I would -- I'm not exactly 9 sure. I'm not familiar with this document, 10 specifically. I didn't create the documents. 11 Q So as you sit here today, you don't know 12 whether 40 paid positions means 40 positions total 13 across all of the different crews or whether it means 40 14 positions for each individual crew? 15 A I don't know specifically, no. I -- 40 would 16 be low for all of those positions. 17 Q What do you mean? 18 A It's a lot of different positions. 19 Q So you need more than 40 detainees to work to 20 fill all of these positions on any given day? 21 A I don't know if the word need is correct, but 22 we typically open it up, to my knowledge, for all of 23 those different areas for more than 40 positions or 24 opportunities. 25 Q So even though it says there are 40 paid</p> <p style="text-align: right;">Page 189</p>

<p>1 positions in the Work Member Detail Program on the 2 ground, there are more than 40 paid jobs available to 3 detainees? 4 A Throughout the entire buildings, yes. 5 Q On any given day, how many detainees do you 6 think work in the work program at Adelanto? 7 A I don't know the specific number. 8 Q Ballpark? 9 A Estimate, maybe 2- to 300 that have been 10 approved for the Voluntary Work Program. 11 Q 200 to 300 have been approved? 12 A That may have been approved for the Voluntary 13 Work Program. 14 Q And do you expect that those detainees who have 15 been approved for the work program actually do work in 16 the work program? 17 A I can't expect it. It's strictly up to them if 18 they're going to work each day. I don't know how many 19 of them -- what the percentage is that actually work on 20 a given day. 21 Q Who would have that information? 22 A It may be in our classification staff have that 23 information. 24 Q But on any given day 2- to 300 workers could 25 work in the work program?</p> <p>Page 190</p>	<p>1 A Well, you look at the opportunities that we can 2 make available to the population. If you take food 3 service department at west, there's different jobs they 4 can create for the population. So -- and just total up 5 the different areas that a detainee would work in. 6 Q So, okay, you say food service as an example. 7 There's -- in food service there's dishwashers, for 8 example. How many dishwashers are needed to -- to run 9 the two kitchens in -- the kitchen in east and the 10 kitchen in west for a shift? 11 A To my knowledge, we have -- we have five 12 dishwashers between the two buildings, if I'm correct. 13 Q And is that five positions that are available 14 or just five detainees who regularly show up to do 15 dishwashing? 16 A It would be five positions that could be 17 available to the population. 18 Q Okay. How many cooks, detainee cooks, do you 19 have in the kitchens? 20 A I don't know. 21 Q Ballpark? 22 A I -- I don't know. I would -- if I give you a 23 ballpark number, I would be -- I don't know. It would 24 be maybe 12, 15. 25 Q In each kitchen?</p> <p>Page 192</p>
<p>1 A I don't know the specific number. I'm giving 2 you an estimate of -- I would estimate that 2- to 300 3 have been approved as -- in the Voluntary Work Program. 4 Q Which means that they're eligible to show up 5 for a shift; is that correct? 6 A Correct. 7 Q And GEO decides ultimately how many detainees 8 to hire for a work program job; right? 9 A Yes. 10 Q That's not in the PBNDS to your knowledge? 11 A To my knowledge, no. 12 Q How do you decide how many detainee workers to 13 hire for any given work crew? 14 A I don't really decide. We get feedback from 15 different areas of the building, whether it's food 16 service, whether it's laundry as to how many positions 17 they could make available to the population. 18 Q How often do you -- do you solicit that 19 feedback from GEO supervisors in each department? 20 A Periodically, nothing periodically, yes. 21 Q And do you know how the GEO supervisors in each 22 department determine how many detainee workers they'll 23 need for their department? 24 A Not specifically. 25 Q Generally?</p> <p>Page 191</p>	<p>1 A Between the two. 2 Q So 12 or 15 detainee cooks in east and west 3 combined? 4 A That would be a total guess, an estimate. I 5 don't know the specific number. 6 Q Do you know how many detainees are hired to do 7 cleaning or sanitation work outside of the housing 8 units? 9 A I don't know the number. 10 Q Which job is the most popular? 11 A I can't really speak to that. I mean largest 12 work crew would be the food service or the -- would 13 probably be one of the -- or dorm porter. 14 Q What do you base that knowledge on? 15 A The high custody detainees, one, meaning the 16 medium, highs and highs. PBNDS restricts them from 17 working outside of the housing unit. So their primary 18 work would be as an -- on a cleaning crew inside of 19 their living area. So that would be the largest number. 20 Q And what's your sense of how many pod porters 21 there are? 22 A I -- I don't know the number. I honestly do 23 not know how many total. 24 Q On -- do you -- is it your understanding that 25 on any given day at Adelanto, 200 to 300 detainees work</p> <p>Page 193</p>

<p>1 in the Voluntary Work Program?</p> <p>2 MS. ARMSTRONG: Objection. Misstates prior</p> <p>3 testimony.</p> <p>4 THE WITNESS: I -- I couldn't say that --</p> <p>5 that's not my understanding. My understanding -- my --</p> <p>6 if I recall, my response was I would estimate 2- to 300</p> <p>7 that may have been approved for the Voluntary Work</p> <p>8 Program. How many actually worked each day, I don't</p> <p>9 know.</p> <p>10 BY MS. WRIGHT:</p> <p>11 Q What do you base that understanding on, that 2-</p> <p>12 to 300 workers have been approved for the Voluntary Work</p> <p>13 Program?</p> <p>14 A That's just strictly an estimate that you asked</p> <p>15 me for, based on the size of the buildings.</p> <p>16 Q Okay. Do you agree that the number of detainee</p> <p>17 workers who are hired for any given work assignment is</p> <p>18 based on the actual needs of the facility?</p> <p>19 A No. I think that's based on providing the</p> <p>20 opportunities for the Voluntary Work Program to the</p> <p>21 population.</p> <p>22 Q Let's return to the PBNDS. This is Exhibit 2.</p> <p>23 If you could flip to page 231, please. This is the Food</p> <p>24 Service Section 4.1 of the PBNDS at Subsection C-1.</p> <p>25 With respect to the detainee workforce, it</p> <p style="text-align: right;">Page 194</p>	<p>1 service department shall be designed according to actual</p> <p>2 needs of the facility?</p> <p>3 MS. ARMSTRONG: Objection. Vague.</p> <p>4 THE WITNESS: I -- this is the first time that</p> <p>5 I've -- actually have read that specific language in</p> <p>6 PBNDS. It states that it shall eliminate any bias</p> <p>7 towards over- or understaffing.</p> <p>8 BY MS. WRIGHT:</p> <p>9 Q You are ultimately responsible at Adelanto for</p> <p>10 ensuring that the PBNDS are implemented and followed at</p> <p>11 the facility; right?</p> <p>12 A Yes.</p> <p>13 Q Do you agree that if there is not a quota of</p> <p>14 detainees assigned to food service that is based on</p> <p>15 actual needs of food service at Adelanto, that that is</p> <p>16 in violation of PBNDS 4.1.C.1?</p> <p>17 MS. ARMSTRONG: Objection. Calls for</p> <p>18 speculation. Calls for a legal conclusion. Vague.</p> <p>19 Ambiguous.</p> <p>20 THE WITNESS: It's strictly a volunteer</p> <p>21 detainee work program. If detainees don't show up for</p> <p>22 work, staff are going to prepare the meals, serve the</p> <p>23 meals. There's really no way to gauge how many</p> <p>24 detainees are actually going to show up for work on any</p> <p>25 given day.</p> <p style="text-align: right;">Page 196</p>
<p>1 says, "The number of detainees assigned to the food</p> <p>2 service department shall be based on a quota developed</p> <p>3 by the FSA and approved by the facility administrator."</p> <p>4 Did I read that correctly?</p> <p>5 A Yes.</p> <p>6 Q What does FSA stand for?</p> <p>7 A I'm not familiar with the title FSA.</p> <p>8 Q Do you know who the FSA is at Adelanto?</p> <p>9 A I don't have anyone that goes by that acronym.</p> <p>10 Q But you are the facility administrator; right?</p> <p>11 A Correct.</p> <p>12 Q So do you agree that the number of detainees</p> <p>13 assigned to food service is based on a quota that's</p> <p>14 approved by you?</p> <p>15 A I'm not familiar with this section of PBNDS.</p> <p>16 Q So you have not approved a quota for food</p> <p>17 service?</p> <p>18 A Not that I recall.</p> <p>19 Q The second sentence is, "The quota shall be" --</p> <p>20 "The quota shall provide staffing according to actual</p> <p>21 needs and shall eliminate any bias towards over- or</p> <p>22 understaffing."</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Do you disagree that the staffing in the food</p> <p style="text-align: right;">Page 195</p>	<p>1 BY MS. WRIGHT:</p> <p>2 Q That's not what I asked.</p> <p>3 If the Adelanto Facility does not staff the</p> <p>4 kitchen with detainee workers based on the actual needs</p> <p>5 of the food service department at Adelanto, does that</p> <p>6 violate the express terms of the PBNDS, which are right</p> <p>7 in front of you?</p> <p>8 MS. ARMSTRONG: Objection. Vague.</p> <p>9 Argumentative. Asked and answered. Calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: Again, not to my knowledge,</p> <p>12 because if detainees do not show up to work, the work</p> <p>13 will be performed by GEO staff in order to serve the</p> <p>14 meal to the population.</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q You understand that this is talking about the</p> <p>17 number of detainees assigned to food service; correct?</p> <p>18 A I understand that.</p> <p>19 Q Not the number of detainees who actually show</p> <p>20 up to work food service.</p> <p>21 Do you understand?</p> <p>22 A Yes.</p> <p>23 Q This is talking about the number of food</p> <p>24 service positions available to detainees.</p> <p>25 Do you understand?</p> <p style="text-align: right;">Page 197</p>

<p>1 A Yes.</p> <p>2 Q The number of food service positions that are</p> <p>3 available to detainees is based on the needs of the</p> <p>4 facility; is that correct?</p> <p>5 A It states that the quota will be developed.</p> <p>6 The quota shall provide staffing according to the actual</p> <p>7 needs. As I stated earlier, we look at every available</p> <p>8 opportunity that's available in food service. If I have</p> <p>9 four serving lines at the west building with four</p> <p>10 inserts in each serving line for the dining room, that's</p> <p>11 16 positions that I can make available per shift. If I</p> <p>12 have four dishwashers at my west building, there's four</p> <p>13 additional positions that I can offer to the population.</p> <p>14 Makes 20. Then you mentioned cooks and some other</p> <p>15 areas. I don't know how many cooks that we employ as</p> <p>16 far as in the Voluntary Work Program. And there are a</p> <p>17 few other jobs that we can offer in food service. So</p> <p>18 when we're looking at a job, it's what can we offer that</p> <p>19 there is productive work for a detainee to do in a</p> <p>20 certain department. And when I look at it, that's what</p> <p>21 I reflect on, what can we offer that's available</p> <p>22 positionwise to -- offered to the population.</p> <p>23 Q And you testified earlier that GEO cannot pick</p> <p>24 and choose which PBNDS standards to apply at Adelanto?</p> <p>25 A We currently operate off the PBNDS 2011, 2016</p> <p style="text-align: right;">Page 198</p>	<p>1 Q I understand.</p> <p>2 Okay. So you look at what the actual workload</p> <p>3 is for each department first. And then you figure out</p> <p>4 how many detainees are needed to handle that work; is</p> <p>5 that correct?</p> <p>6 A In general, we -- periodically I discuss it</p> <p>7 with my different department heads. And then we discuss</p> <p>8 what jobs we can make available.</p> <p>9 Q Is there anything about the statement that I</p> <p>10 just made that's incorrect?</p> <p>11 A I don't --</p> <p>12 MS. ARMSTRONG: Objection. Vague.</p> <p>13 THE WITNESS: I don't specifically look at</p> <p>14 every position in the building.</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q Because you're the warden and you delegate</p> <p>17 those assignments to your subordinates, but my question</p> <p>18 is, my understanding of your testimony, and I think</p> <p>19 we're finally on the same page about this, is that you</p> <p>20 look at the volume of work that needs to be done. And</p> <p>21 say the kitchen for dishwashers, you look at the volume</p> <p>22 of work that needs to be done. And then GEO figures out</p> <p>23 how many detainee workers can be put into the position</p> <p>24 to get all that work done?</p> <p>25 A It's -- I'm using the word opportunities that</p> <p style="text-align: right;">Page 200</p>
<p>1 errata.</p> <p>2 Q Can you answer my question, please?</p> <p>3 A No, we can't.</p> <p>4 Q So if GEO is not staffing the kitchen with</p> <p>5 detainee workers based on actual needs, that is a</p> <p>6 violation of the PBNDS. You would agree with that?</p> <p>7 MS. ARMSTRONG: Objection. Misstates prior</p> <p>8 testimony. Asked and answered. Vague.</p> <p>9 THE WITNESS: I don't -- I don't consider it a</p> <p>10 violation. We look at the opportunities that we can</p> <p>11 make available to the population. For other positions</p> <p>12 that are in a certain department. If it's -- I don't</p> <p>13 see it as a violation.</p> <p>14 BY MS. WRIGHT:</p> <p>15 Q How do you know what opportunities you can make</p> <p>16 available to the population? What is that calculus?</p> <p>17 A I used food service for an example. I</p> <p>18 listed -- I stated some of the different functions of</p> <p>19 different areas of the department, that would be a</p> <p>20 productive job for a detainee to work at.</p> <p>21 Q But how do you know, for instance, that you</p> <p>22 need four dishwashers in west?</p> <p>23 A Because I have four dishwashers. It's enough</p> <p>24 work to keep four individuals active and busy through</p> <p>25 their day or through their work.</p> <p style="text-align: right;">Page 199</p>	<p>1 we can provide to the detainee population, that if</p> <p>2 they -- there's enough work to be done in the building,</p> <p>3 that's what we determine, is we can offer these many</p> <p>4 jobs or opportunities for a detainee to get out of</p> <p>5 their -- or if they can work outside of their living</p> <p>6 area, to work and learn some new skills, make a \$1 a</p> <p>7 day.</p> <p>8 Q But you offered the number of opportunities</p> <p>9 that you do based on the work that's available?</p> <p>10 A Correct.</p> <p>11 Q Exhibit 33.</p> <p>12 (Plaintiffs' Exhibit 33 was marked for</p> <p>13 identification by the Certified Shorthand Reporter and</p> <p>14 attached hereto.)</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q This is an e-mail. Again, we'll read from the</p> <p>17 bottom. From June Long sent on February 18th of 2016</p> <p>18 sent to Greg Hillers. And the subject is Cleaning and</p> <p>19 Food Service. And then if you look at the next e-mail</p> <p>20 in the chain. It looks like this was maybe forwarded --</p> <p>21 forwarded to you by Sharon Buczkowske, Ms. B, on</p> <p>22 February 24th, 2016.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Okay. Who is June Long?</p> <p style="text-align: right;">Page 201</p>

<p>1 A June Long is with our corporate food service 2 department. 3 Q And where is she? Is she located at Adelanto? 4 A No. 5 Q Do you know where she's based? 6 A I don't know exactly where her office is. 7 Q But corporate is in Boca Raton, Florida? 8 A I'm not sure if she offices in Boca or one of 9 the regional offices. I'm not sure. 10 Q And Gregory Hillers, can you remind me who he 11 is? 12 A He's my assistant warden of finance. 13 Q In this e-mail, June Long says to Mr. Hillers, 14 "You wanted 22 detainees per shift on the roster, 15 correct?" And she's talking about cleaning and food 16 service. Do you see that? 17 A Yes. 18 Q How many shifts are available in food service? 19 A Three. 20 Q So three shifts times two detainees, times two 21 kitchens is 132 detainees between east and west? 22 MS. ARMSTRONG: Objection. Vague. 23 BY MS. WRIGHT: 24 Q Is that right? Sorry. 122. 25 MS. ARMSTRONG: I think you might just want to Page 202</p>	<p>1 don't know. I wasn't involved in this specific 2 conversation. 3 Q Okay. At the end it says, "The sanitation is 4 going to be a huge issue with Mr. Donahue." 5 Now, Mr. Donahue is the -- is from GEO 6 corporate; right? He's the senior vice president? 7 A Yes. 8 Q We talked about him before. 9 Why do you think sanitation would be a huge 10 issue with Mr. Donahue? 11 MS. ARMSTRONG: Objection. Calls for 12 speculation. 13 THE WITNESS: I can't speak for Mr. Donahue. 14 It's a topic he stresses, is sanitation of the 15 facilities. 16 BY MS. WRIGHT: 17 Q You said that he comes to visit the center 18 sometimes; right? 19 A He has. He visits all the -- all our 20 facilities in GEO. 21 Q Okay. Looking back at Exhibit 26, this is the 22 work -- 23 MS. ARMSTRONG: These are -- 24 BY MS. WRIGHT: 25 Q Look up here as well. If you look -- now, we Page 204</p>
<p>1 start over. 2 MS. WRIGHT: I think you might be right. 3 Q First of all, do you have any reason to believe 4 that -- that this is incorrect, that there should be 22 5 detainees per shift on the roster for food service? 6 MS. ARMSTRONG: Vague. 7 THE WITNESS: From what I'm reading, that's 8 what apparently Mr. Hillers and Ms. Long discussed. I 9 don't know. If I understand the e-mail correct, that's 10 what I gather from it. 11 BY MS. WRIGHT: 12 Q And so 22 detainees times three shifts is 66 13 detainees, total; right? You agree with my math? 14 A Yes. 15 Q And there are two kitchens at Adelanto, one in 16 east and one at west; right? 17 A Yes. 18 Q And 66 times two is 132; right? 19 A Yes. 20 Q This is correct that there should be 22 21 detainees per shift on the roster, then we're looking at 22 132 detainees working in the kitchen any given day? 23 A I don't see where they're speaking to the two 24 kitchens in this e-mail, but I mean it may be 22 25 detainees for three shifts divided by two buildings. I Page 203</p>	<p>1 talked about the 40 paid positions in the Work Member 2 Detail Program. And we discussed that there are more 3 than 40 detainees working the Voluntary Work Program at 4 any given time; right? 5 A Yes. 6 Q The second part of this line here is, "If all 7 paid positions are filled, would you be interested in 8 working on a voluntary basis?" And then there's a space 9 for the detainee to check yes or no. 10 Do you see that? 11 A Yes. 12 Q So what does this mean, if all paid positions 13 are filled, would you be interested in working on a 14 voluntary basis? What is your understanding of that 15 sentence? 16 MS. ARMSTRONG: Objection. Calls for 17 speculation. He's testified he hasn't seen this. 18 THE WITNESS: Like I say, I'm not familiar with 19 the document. I didn't create it. But it's asking 20 detainees if they're interested in working on a 21 voluntary basis. 22 BY MS. WRIGHT: 23 Q Is it policy and procedure at the Adelanto 24 Detention Center that detainees can work in the 25 Voluntary Work Program for no compensation? Page 205</p>



<p>1 A I'm not -- I don't recall if it's written in 2 our policy, but I don't recall if it's in the policy 3 that they may volunteer for other work that's not part 4 of the volunteer program. 5 Q In your experience, as the warden responsible 6 for day-to-day operations, the man on the ground, leader 7 on the ground, your testimony is that you do not know 8 whether GEO has a policy of permitting detainees to work 9 in the Voluntary Work Program for no pay; is that 10 correct? 11 MS. ARMSTRONG: Objection. Misstates prior 12 testimony. 13 THE WITNESS: Every detainee that is part of 14 the Voluntary Work Program will get paid if they show up 15 for work. I am not positive if our policy speaks to 16 working on a voluntary basis. 17 BY MS. WRIGHT: 18 Q So if there is a program where detainees can 19 work in the work program without pay, that would be 20 separate from the Voluntary Work Program? 21 A If a detainee volunteers to do something, 22 they're volunteering to do something. If they're on the 23 approved volunteer worker list or program part of it, 24 they're going to get paid their \$1 a day. 25 Q When you say if a detainee volunteers, they're</p> <p style="text-align: right;">Page 206</p>	<p>1 Q But it is possible that detainees at Adelanto 2 complete shifts of Voluntary Work Program jobs for no 3 payment? 4 MS. ARMSTRONG: Objection. Calls for 5 speculation. Vague. 6 THE WITNESS: To my knowledge, if they're in a 7 Voluntary Work Program, they get paid for the day they 8 work -- the days they work. 9 BY MS. WRIGHT: 10 Q I'm asking a different question. So we've 11 covered that the Voluntary Work Program has these 40 12 paid positions, but we know that it's actually more than 13 40. And if you work your shift, you get paid your \$1; 14 right? 15 MS. ARMSTRONG: Objection. Compound. 16 THE WITNESS: They work and are part of the 17 voluntary program, they get paid. 18 BY MS. WRIGHT: 19 Q Okay. Now, there's this other program here, 20 where if all paid positions in the Voluntary Work 21 Program are taken, would you be willing to work one of 22 these jobs, one of these voluntary work program jobs, on 23 a voluntary basis, which means for free. 24 Do you understand? 25 MS. ARMSTRONG: Objection. Misstates prior</p> <p style="text-align: right;">Page 208</p>
<p>1 volunteering to do something, do you mean they're 2 volunteering to do something for free? 3 A I can't speak to that. I don't know of a 4 detainee volunteering, but if they decide to voluntarily 5 do something, I -- I don't know if that's written 6 anywhere. I'm not familiar with it. 7 Q I think we're using the word volunteer and 8 volunteering in some different ways, because of the 9 title of this policy. So I'm just trying to understand 10 what you're saying. So if a detainee initiates this 11 policy, if all detainee -- if all paid positions are 12 filled, there's no more paid positions, the facility is 13 at max capacity, there's no more need for a detainee 14 worker as part of the Volunteer Work Program, if a 15 detainee still wants to work in, say, the barber shop, 16 can that detainee work in the barber shop? 17 A I'm not familiar with that being done. Barbers 18 have to be part of the approved workers program, because 19 they have to have a medical clearance to do so. So I'm 20 not familiar with this document or the language that's 21 written on it. 22 Q Have you ever heard of detainees working in the 23 voluntary work program for no compensation? 24 A No. If they're approved and in the Voluntary 25 Work Program, they receive pay.</p> <p style="text-align: right;">Page 207</p>	<p>1 testimony. Calls for speculation. Vague. Ambiguous. 2 Lacks foundation. 3 THE WITNESS: Again, I'm not familiar with this 4 document or this specific language. And it -- the 5 question asks, would you be interested in working on a 6 volunteer basis, yes or no. What occurs from there, I 7 don't know. I'm not familiar with it. 8 BY MS. WRIGHT: 9 Q And when you say working on a voluntary basis, 10 what do you mean? 11 MS. ARMSTRONG: Objection. Calls for 12 speculation. He said he has not seen this document. 13 THE WITNESS: I'm reading the language on the 14 document. I'm not familiar with this document or the 15 language that's on it. 16 BY MS. WRIGHT: 17 Q You are responsible for the policies and 18 procedures in place at the Adelanto Detention Center, 19 aren't you, Warden Janecka? 20 A The overall, yes. 21 Q And you're responsible for ensuring that GEO's 22 policies and procedures at the Adelanto Facility are 23 implemented in practice; right? 24 A Ultimately, yes. 25 Q You are responsible for making sure that the</p> <p style="text-align: right;">Page 209</p>



<p>1 boots on the ground actually follow the policies and 2 procedures that GEO has created for the Adelanto Center; 3 is that right? 4 A Ultimately, yes. 5 Q Do you have any understanding of how often 6 detainees check the yes box after the sentence, if all 7 paid positions are filled, would you be interested in 8 working on a voluntary basis? 9 MS. ARMSTRONG: Objection. Calls for 10 speculation. He's testified probably 18 times that he's 11 never seen this document and doesn't know what it says. 12 THE WITNESS: I have no idea. 13 BY MS. WRIGHT: 14 Q Who would know? 15 A Possibly a classification officer. I don't 16 know. 17 Q And if a detainee received this work 18 application and checked the yes box indicating an 19 interest in working on a quote, "voluntary basis," you 20 agree that that would violate the PBNDS? 21 MS. ARMSTRONG: Objection. Calls for 22 speculation. Calls for a legal conclusion. Vague. 23 THE WITNESS: I'm not familiar with the 24 document or what its intended purpose is. I don't -- as 25 I stated before, I do not know once a detainee checks</p> <p style="text-align: right;">Page 210</p>	<p>1 Program, something to that effect. 2 BY MS. WRIGHT: 3 Q So a detainee that -- who is working in the 4 Voluntary Work Program must be paid \$1 per day per 5 the PBNDS; is that correct? 6 A Under the detainee work program standard. 7 Q Of the PBNDS; correct? 8 A Correct. 9 Q But a detainee who is working in some other 10 program, a detainee who volunteers to work outside of 11 the Voluntary Work Program does not need to be paid a \$1 12 a day; is that correct? 13 MS. ARMSTRONG: Objection. Calls for a legal 14 conclusion and speculation. 15 THE WITNESS: If they're going to volunteer, if 16 they see there's a piece of paper on the trash -- on the 17 floor and pick it up and they voluntarily pick it up. I 18 I'm not familiar with this. I mean, it's something they 19 did voluntarily and wasn't under the direction of staff. 20 BY MS. WRIGHT: 21 Q The detainee did a shift in laundry, would that 22 detainee be paid a \$1 a day? 23 A Again, I'm not familiar with this document or 24 the processes. If they're a part of the Voluntary Work 25 Program and have been approved, they would receive the</p> <p style="text-align: right;">Page 212</p>
<p>1 yes or no what the process is from there. I'm not 2 familiar with it. 3 MS. WRIGHT: Could you read back my question, 4 please. 5 (The record was read as follows: 6 "QUESTION: And if a detainee 7 received this work application and 8 checked the yes box indicating an 9 interest in working on a quote, 10 'voluntary basis,' you agree that that 11 would violate the PBNDS?") 12 BY MS. WRIGHT: 13 Q And the -- 14 MS. ARMSTRONG: Same objections that I put on 15 the record earlier related to that question. 16 THE WITNESS: Not to my knowledge. 17 BY MS. WRIGHT: 18 Q You agree that the PBNDS regulation 5.8, which 19 governs the Voluntary Work Program states that the 20 detainee shall be paid at least \$1 a day. Do you 21 remember we discussed that earlier? 22 MS. ARMSTRONG: Objection. Compound. 23 THE WITNESS: I don't recall the specific 24 language that we discussed, but it speaks to detainees 25 that have been approved through the Voluntary Work</p> <p style="text-align: right;">Page 211</p>	<p>1 \$1 a day pay. 2 Q If the detainee did not receive the \$1 a day 3 pay, would that violate the PBNDS? 4 MS. ARMSTRONG: Objection. Calls for 5 speculation. Calls for legal conclusion. 6 THE WITNESS: If the -- can you be a little 7 more specific as to that question? Are you speaking to 8 a detainee that's approved through the Voluntary Work 9 Program. 10 BY MS. WRIGHT: 11 Q Yes? 12 A Wouldn't be -- if he didn't receive it that 13 day, there may have been a mistake and it can be 14 rectified. They would receive the payment once it was 15 noticed as a mistake. 16 Q If a detainee worked a shift in the laundry 17 through the voluntary work program and was never paid 18 the \$1 for his labor, would that violate the PBNDS? 19 A If a detainee was part of the Voluntary Work 20 Program never received his pay, it would violate the 21 PBNDS. 22 Q I'm going to hand you Exhibit 33 -- 34. Thank 23 you. 34. 24 /// 25 ///</p> <p style="text-align: right;">Page 213</p>

<p>1 (Plaintiffs' Exhibit 34 was marked for 2 identification by the Certified Shorthand Reporter and 3 attached hereto.) 4 BY MS. WRIGHT: 5 Q This is the GEO Group Adelanto ICE Processing 6 Center Housekeeping Plan. 7 Have you seen this document before? 8 A I've seen it. 9 Q In fact, if you look at the last page, is that 10 your signature, on the last page following reviewed by? 11 A Yes. 12 Q And you signed this on June 18th, 2018? 13 A That's the date, yes, on the document. 14 Q What is this document? 15 A It's the Adelanto ICE Processing Center 16 Housekeeping Plan. 17 Q What does that mean? 18 A It's the daily housekeeping plan. 19 Q So this is the set of guidelines which GEO 20 implements at Adelanto for cleaning and sanitation; is 21 that accurate? 22 A It's -- yes, basic guide for the cleaning and 23 sanitation of the facility. 24 Q And at the very top it says that the 25 housekeeping -- the facility establishes this</p> <p style="text-align: right;">Page 214</p>	<p>1 BY MS. WRIGHT: 2 Q This pot cleaning policy that we're looking at 3 here on page 3 of Exhibit 34, my question is, does this 4 relate to the Sanitation Policy 12.1.4? 5 MS. ARMSTRONG: Objection. It calls for 6 speculation. 7 THE WITNESS: I don't see where the 8 housekeeping plan reflects stating this policy of 9 12.1.4. It's -- it's the housekeeping plan that's for 10 the facility. I can't state that it's specifically part 11 of 12.1.4. 12 BY MS. WRIGHT: 13 Q Are detainees responsible for cleaning and 14 maintaining their pods and housing units? 15 A Their immediate living areas, yes. 16 Q And that's pursuant to Policy 12.1.4? Yes? 17 A PBNDS standard that we discussed earlier where 18 it spoke to it that they will be responsible for 19 cleaning their immediate living areas. 20 Q And GEO policy 12.1.4, the sanitation policy; 21 correct? 22 A Detainee 12.1.4 does state detainees are 23 responsible for the cleanliness of those areas. Their 24 immediate living areas. 25 Q Thank you.</p> <p style="text-align: right;">Page 216</p>
<p>1 housekeeping plan to maintain the physical plant and to 2 ensure that sanitation and safety practices applies with 3 applicable laws, codes, regulations and standards 4 relating to sanitation and safety within the facility; 5 is that correct? 6 A Yes. 7 Q Is this housekeeping plan implemented on the 8 ground at the Adelanto Detention Center? 9 A Yes. 10 Q If you turn to page 3 of this document, 11 Exhibit 34? "Pot cleaning, on a weekly basis or as 12 needed, all housing units will be subject to a total 13 sanitation mission to assure standards are met and 14 maintained. The responsibility for cleaning each 15 housing unit will be shared by all shifts." 16 Do you see that? 17 A Yes. 18 Q Is this talking about the sanitation policy 19 that we discussed earlier, 12.1.4, which is Exhibit 23? 20 MS. ARMSTRONG: Objection. Calls for 21 speculation. What was the exhibit number? 22 MS. WRIGHT: 23. 23 MS. ARMSTRONG: I'll find it for you. 24 THE WITNESS: Can you restate your question? 25 I'm sorry.</p> <p style="text-align: right;">Page 215</p>	<p>1 Looking at Exhibit 34, at page 3, which is on 2 your screen, under facility clean up, daily cleaning 3 schedule, there's a chart of different areas of the 4 facility that need to be cleaned, per the daily cleaning 5 schedule. 6 Are there any of these areas that are not 7 cleaned by detainee workers in the Voluntary Work 8 Program? 9 MS. ARMSTRONG: Object as vague. Ambiguous. 10 THE WITNESS: There's -- there's windows and 11 floors and walls and restrooms throughout the building, 12 secure side and non-secure side. So, yes, and if 13 detainees don't go to work one day in a certain area, 14 staff will clean it. 15 BY MS. WRIGHT: 16 Q With respect to the secure side only, are there 17 any of these areas that we're looking at on this chart 18 on page 3 of Exhibit 34, where detainees do not clean? 19 MS. ARMSTRONG: Objection. Vague. 20 THE WITNESS: There's jobs available for all 21 those areas to be cleaned. And if it's in a housing 22 unit and it's part of their immediate living area, 23 they're responsible to clean it. 24 BY MS. WRIGHT: 25 Q So the answer to my question is yes?</p> <p style="text-align: right;">Page 217</p>

<p>1 A Yes.</p> <p>2 Q Sorry. I think I'm tripping myself up here.</p> <p>3 To make sure we're on the same page, within the secure</p> <p>4 side of the facility in east and west, detainees are</p> <p>5 responsible for cleaning all of the areas that are</p> <p>6 listed on the chart on page 3 of Exhibit 34?</p> <p>7 MS. ARMSTRONG: Objection. Misstates prior</p> <p>8 testimony.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Correct?</p> <p>11 MS. ARMSTRONG: Vague.</p> <p>12 THE WITNESS: They'll clean -- there's jobs</p> <p>13 available for them to clean all of these areas. And if</p> <p>14 it isn't cleaned by detainee population, it will be</p> <p>15 cleaned by staff.</p> <p>16 BY MS. WRIGHT:</p> <p>17 Q What's the difference between an immediate</p> <p>18 living area and a living area?</p> <p>19 A A living area is, in general, a housing unit.</p> <p>20 The immediate living area is the area of a housing unit</p> <p>21 that they actually are assigned to. As I stated</p> <p>22 earlier, there's four pods in a housing unit. So you</p> <p>23 have four individual pods that are comprised of living</p> <p>24 areas.</p> <p>25 Q Turn to the next page, please, of Exhibit 34.</p> <p style="text-align: right;">Page 218</p>	<p>1 MS. ARMSTRONG: Objection. Vague?</p> <p>2 THE WITNESS: My testimony, if I recall, was</p> <p>3 there -- according to PBNDS, they're responsible for the</p> <p>4 cleanliness of their immediate living area.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q So within a detainee's immediate living area</p> <p>7 each and every detainee at Adelanto is responsible for</p> <p>8 cleaning the floors, divider walls, window sills, sinks</p> <p>9 and commodes, showers, trash receptacles, furniture,</p> <p>10 equipment and stainless steel showers and sinks; is that</p> <p>11 your testimony?</p> <p>12 MS. ARMSTRONG: Objection. Misstates prior</p> <p>13 testimony.</p> <p>14 THE WITNESS: I'm saying that's what is stated</p> <p>15 in PBNDS as part of their immediate living area.</p> <p>16 There's also jobs through the Voluntary Work Program for</p> <p>17 detainee porters that allow for those functions to be</p> <p>18 done through the Voluntary Work Program.</p> <p>19 BY MS. WRIGHT:</p> <p>20 Q My question is really simple. It's really</p> <p>21 clear. The personal housekeeping requirement of the</p> <p>22 PBNDS as you interpret it requires each and every</p> <p>23 detainee to clean the areas that are listed in this</p> <p>24 chart; is that correct?</p> <p>25 A If it's part of the immediate living area.</p> <p style="text-align: right;">Page 220</p>
<p>1 On page 4, this is called -- entitled Housing Unit</p> <p>2 Cleaning Schedule.</p> <p>3 Within the secured area of east and west, are</p> <p>4 there any areas represented in this chart where</p> <p>5 detainees do not clean?</p> <p>6 MS. ARMSTRONG: Objection. Vague.</p> <p>7 THE WITNESS: Detainees, there are jobs for</p> <p>8 them to clean this or there's also several areas that</p> <p>9 would be part of their immediate living area. Again, if</p> <p>10 it's not cleaned by the population, it would be cleaned</p> <p>11 by staff.</p> <p>12 BY MS. WRIGHT:</p> <p>13 Q So the answer is that there are no areas in</p> <p>14 this list where detainees do not clean; is that correct?</p> <p>15 MS. ARMSTRONG: Objection. Vague.</p> <p>16 THE WITNESS: My answer was there's jobs that</p> <p>17 would -- detainee jobs through the Voluntary Work</p> <p>18 Program that would allow for the -- or call for the</p> <p>19 cleaning of all of these areas. And several of these</p> <p>20 areas are a part of the immediate living area that PBNDS</p> <p>21 allows for or requires them to maintain.</p> <p>22 BY MS. WRIGHT:</p> <p>23 Q And the PBNDS requires each and every detainee</p> <p>24 to maintain these spaces within their immediate living</p> <p>25 area? That's your testimony?</p> <p style="text-align: right;">Page 219</p>	<p>1 Q Thank you.</p> <p>2 MS. ARMSTRONG: Can we take a break?</p> <p>3 MS. WRIGHT: Sure.</p> <p>4 THE VIDEOGRAPHER: We are going off the record.</p> <p>5 The time is 3:02 p.m.</p> <p>6 (Whereupon a recess was taken.)</p> <p>7 THE VIDEOGRAPHER: We are going back on the</p> <p>8 record. The time is 3:25 p.m.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Warden Janecka, what happens when there's an</p> <p>11 insufficient number of detainee workers to staff any</p> <p>12 particular Voluntary Work Program crew?</p> <p>13 A If we need somebody to perform the job</p> <p>14 function, we get staff from throughout the building to</p> <p>15 perform those functions.</p> <p>16 Q Do you have to pay that GEO staff overtime?</p> <p>17 A If there's a need to, we will. If it can be</p> <p>18 accomplished during their normal hours of work they'll</p> <p>19 get their straight pay.</p> <p>20 Q Are there any other consequences to the</p> <p>21 facility when an insufficient number of detainees work</p> <p>22 in the Voluntary Work Program?</p> <p>23 A Not to my knowledge, no.</p> <p>24 Q Let's look at Exhibit 35.</p> <p>25 ///</p> <p style="text-align: right;">Page 221</p>

<p>1 (Plaintiffs' Exhibit 35 was marked for 2 identification by the Certified Shorthand Reporter and 3 attached hereto.) 4 BY MS. WRIGHT: 5 Q This is an e-mail. And, again, you can look at 6 the screen. This is an e-mail chain and we'll start at 7 the very end, because that's the earliest e-mail. 8 Exhibit 35 is an e-mail chain that starts with an e-mail 9 from Theodore Hauser, dated March 4th, 2018. The e-mail 10 is sent to you, James Janecka. And the subject is 11 Kitchen Staff and Their Lunches. 12 Do you see that? 13 A Yes. 14 Q Did you receive this e-mail? 15 A I'm on the e-mail string, yes. 16 Q Now, it says, "This evening, we are only 17 running three chow halls again, because in addition to 18 the lacking detainee workers, kitchen staff took their 19 lunch." 20 What do you understand Mr. Houser to be talking 21 about here? 22 MS. ARMSTRONG: Objection. Calls for 23 speculation. 24 THE WITNESS: My understanding of the e-mail is 25 there weren't enough detainee workers or staff at that</p> <p style="text-align: right;">Page 222</p>	<p>1 that -- or not enough staff that was there, but our 2 mission is to serve the meal. 3 BY MS. WRIGHT: 4 Q How often would you estimate that it occurs 5 that GEO has to shut down one of the dining halls, 6 because there's not enough staff to run the dining hall? 7 A Periodically. I don't know exactly. 8 Q What -- ballpark, has it happened this month? 9 A Not to my knowledge. 10 Q Has it happened in 2019 that not all four 11 dining halls could be run on any given shift, because of 12 a lack of staff? 13 A I don't know exactly. It's -- I know it's the 14 exception and not the norm. 15 Q But you have no knowledge as you sit here today 16 that this has happened this year; is that right? 17 A Not that I can think of, specifically. It may 18 have. 19 Q Go ahead and turn to the first page of this 20 e-mail chain, Exhibit 35. You see that Michelle Keeney 21 forwarded this e-mail -- this e-mail chain on March 6th, 22 2018 to Patricia Love and Theodore Hauser. And the 23 subject line is, again, Kitchen Staff and the Their 24 Lunches. 25 Do you see that?</p> <p style="text-align: right;">Page 224</p>
<p>1 time to run four dining halls at west. So the meal that 2 appears to be the evening meal was fed out of three 3 dining halls. 4 BY MS. WRIGHT: 5 Q And if you look at the next e-mail in the 6 chain, this is from Patricia Love on March 4th. And 7 you're not copied on this part of the chain, but she 8 says, "It is never our expectation to run fewer than all 9 four dining halls." 10 Do you agree with that sentence? 11 A It's -- we have four dining halls, so it's 12 expected. It's not required. 13 Q What is "it" in that sentence? 14 A To run all four dining halls, there's no 15 requirement for it. 16 Q But you expect to run all four dining halls at 17 the Adelanto Facility? 18 A If we can, yes. 19 Q Are there any other circumstances aside from a 20 worker shortage or staffing shortage that prevent you 21 from running all four dining halls? 22 MS. ARMSTRONG: Objection. Vague. 23 THE WITNESS: If I can think of something, it 24 may be that maybe we had an equipment failure or 25 something in one of the dining halls. Other than</p> <p style="text-align: right;">Page 223</p>	<p>1 A Yes. 2 Q Now, Ms. Keeney is reporting that on Saturday, 3 they were only able to run three chow halls at dinner, 4 because they had only six detainee workers, one of them 5 being a dishwasher. And they were told there wasn't 6 enough officers to run four chow halls. 7 Do you see that? 8 A Yes. 9 Q Do you have any reason to believe that's not 10 true? 11 A That's what's written. I don't have a reason 12 to believe she would lie. 13 Q And then it says the reason they only ran three 14 chow halls was because they only had seven detainees, 15 who two of which were dishwashers. 16 Do you see that? 17 A Yes. 18 Q Do you have any reason to believe that's not 19 true? 20 A It's what's written, so... 21 Q Do you have any reason to believe that that's 22 not true? 23 A No. 24 Q So when there are not enough detainee workers 25 to staff all four chow halls, GEO suspends operation in</p> <p style="text-align: right;">Page 225</p>

<p>1 some of the chow halls; is that right?</p> <p>2 A If we have to run less than four, we run four,</p> <p>3 but the meal is still served to the population.</p> <p>4 Q So you agree with that I just said?</p> <p>5 MS. ARMSTRONG: Objection. Vague.</p> <p>6 THE WITNESS: I agree that if we don't have</p> <p>7 enough staff, GEO staff, or detainee workers, that we</p> <p>8 may have to shut down the dining hall.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Hand you now Exhibit 36.</p> <p>11 (Plaintiffs' Exhibit 36 was marked for</p> <p>12 identification by the Certified Shorthand Reporter and</p> <p>13 attached hereto.)</p> <p>14 BY MS. WRIGHT:</p> <p>15 Q This is another e-mail chain. So as before,</p> <p>16 we'll start on the last page, which in this context here</p> <p>17 is really page 2, which is Bates Stamped 2295.</p> <p>18 Geo-Novoa-2295.</p> <p>19 Now, this is an e-mail from you, James Janecka.</p> <p>20 Do you see?</p> <p>21 A Yes.</p> <p>22 Q And it was sent on Tuesday, May 26th of 2015</p> <p>23 is that correct?</p> <p>24 A Yes. That's the date.</p> <p>25 Q Okay. And you wrote, "After walking through</p> <p style="text-align: right;">Page 226</p>	<p>1 were not working in these areas prior to your e-mail?</p> <p>2 A It was -- apparently, it was evident to me that</p> <p>3 the sanitation slipped. If they were working, it wasn't</p> <p>4 up to standards of -- that I set for the facility</p> <p>5 sanitation.</p> <p>6 Q So these detainees that you're referencing here</p> <p>7 in this e-mail are detainee workers participating in the</p> <p>8 Voluntary Work Program?</p> <p>9 A Yes.</p> <p>10 Q What's a D-space?</p> <p>11 A It's the area around the housing unit control.</p> <p>12 Q Are detainees allowed inside housing unit</p> <p>13 control?</p> <p>14 A No.</p> <p>15 Q Who cleans that space?</p> <p>16 A Staff.</p> <p>17 Q Is -- are D-spaces subject to the personal</p> <p>18 housekeeping policy that we've discussed earlier?</p> <p>19 A It's a common area outside of the actual living</p> <p>20 areas in the housing unit. It's -- it's like an</p> <p>21 octagon. If you want to describe. You have a control</p> <p>22 center in the middle of four pods that are outside of</p> <p>23 the pods, in the middle. It's basically a round</p> <p>24 hallway. And there are -- that's areas that the</p> <p>25 volunteer work program works.</p> <p style="text-align: right;">Page 228</p>
<p>1 west today, it is very evident sanitation has slipped</p> <p>2 backwards several notches. We need all shifts to start</p> <p>3 putting detainees to work in the hallways, medical</p> <p>4 intake, the D-spaces and hallways leading to the housing</p> <p>5 units, et cetera."</p> <p>6 Is that correct?</p> <p>7 A Yes.</p> <p>8 Q What did you mean when you wrote, "We need all</p> <p>9 shifts to start putting detainees to work in the</p> <p>10 hallways, medical intake, the D-spaces and the hallways</p> <p>11 leading to the housing units, et cetera."</p> <p>12 A Those are all areas that the voluntary work</p> <p>13 crews work in.</p> <p>14 Q What did you mean when you said we need all</p> <p>15 shifts to start putting detainees to work in those</p> <p>16 spaces?</p> <p>17 A Calling the crews out to work and working.</p> <p>18 Q How do you start putting detainees to work?</p> <p>19 A You call them out. If they show up for work,</p> <p>20 they go to work.</p> <p>21 Q What do you mean call them out?</p> <p>22 A You announce those detainees names for those</p> <p>23 job assignments to come out and work. If they come out</p> <p>24 to work, they go to work.</p> <p>25 Q So is it your recollection that the detainees</p> <p style="text-align: right;">Page 227</p>	<p>1 Q But that area is not part of the immediate</p> <p>2 living area that is subject to the personal housekeeping</p> <p>3 requirement?</p> <p>4 A It's in the immediate housing unit. I'm not</p> <p>5 for sure if it's considered immediate housing area that</p> <p>6 we talked about earlier, but it's in the immediate</p> <p>7 housing unit itself.</p> <p>8 Q So under the personal housekeeping requirement</p> <p>9 as you interpret it, each and every detainee could be</p> <p>10 required to clean the D-spaces?</p> <p>11 A They could. It's part of the housing area,</p> <p>12 part of the immediate area.</p> <p>13 Q I'll hand you Exhibit 37.</p> <p>14 (Plaintiffs' Exhibit 37 was marked for</p> <p>15 identification by the Certified Shorthand Reporter and</p> <p>16 attached hereto.)</p> <p>17 BY MS. WRIGHT:</p> <p>18 Q We have another e-mail chain. And we'll start</p> <p>19 at the bottom of the first page, which is Bates</p> <p>20 No. GEO-Novoa-5839. That's where it starts. This is an</p> <p>21 e-mail from you, James Janecka, dated Tuesday,</p> <p>22 April 4th, 2017. The subject is East Sanitation.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Okay. If you turn to the next page. You</p> <p style="text-align: right;">Page 229</p>



<p>1 wrote, "After a tour of the east building this morning, 2 I was totally frustrated with the lack of cleaning that 3 has been done in the last week. The building honestly 4 looked the worst I have ever seen it in the 2.5 years 5 that I have been here. There was not one detainee 6 working or being asked to work in the entire building, 7 housing units, hallways, kitchen, laundry, intake, 8 et cetera." And then in capital letters, "Not One. 9 This is totally unacceptable," followed by two 10 exclamation marks. "Once lunch is complete, I expect 11 all TV, Xbox and recreation to be suspended until the 12 building is clean and presentable. We can't shut down 13 courts, medical visits, attorney visits, et cetera. We 14 have a tour tomorrow and Friday." 15 Did I read that correctly? 16 A Yes. 17 Q Can you describe to me why you sent this 18 e-mail? 19 A Again, the sanitation expectations are the -- 20 the sanitation was not up to my expectations of what I 21 believe should be there. 22 Q How often are you frustrated with the lack of 23 cleaning in the facility? 24 A Again, it's the expectation and not the norm. 25 Q You said there was not one detainee working or</p> <p style="text-align: right;">Page 230</p>	<p>1 BY MS. WRIGHT: 2 Q But it happens on occasion? 3 A Very rarely, but it has happened. 4 Q Is removing the TV a form of punishment? 5 A It's not a punishment. There's no normal 6 sanctions that go with it. 7 Q Is removing access to recreation a punishment? 8 A It's not -- it's not a formal sanction. We can 9 give them recreation later. Do what we call a make up 10 day to give them a make up day. 11 Q But the point here is that you ordered your 12 subordinates in east to suspend TV, Xbox and recreation 13 so that the detainees would clean the facility; right? 14 A Well, they would have cleaned the housing 15 units, which are required. And if -- if they didn't 16 have detainees that went to work in those areas that I 17 was going to have to have all staff available to get 18 those areas clean. 19 Q But this is talking about more than just the 20 housing units. This is talking about the hallways, the 21 kitchen, the laundry, the intake, et cetera; right? So 22 this is talking about the entire east facility? 23 A That's correct. 24 Q So your practice and policy at the Adelanto 25 Detention Center is to suspend recreation to incentivize</p> <p style="text-align: right;">Page 232</p>
<p>1 being asked to work in the entire building. 2 Do you mean here that there was not a single 3 detainee working in the Voluntary Work Program in the 4 entire building? 5 A I didn't see any detainees out working that 6 day. 7 Q When you said there was not one detainee being 8 asked to work in the entire building, does that refer to 9 the personal housekeeping requirement? 10 A I'm referring to housing unit, so that's their 11 immediate living area. 12 Q Right. Because GEO can't ask detainees to work 13 except for that personal housekeeping requirement; 14 right? 15 A Right. 16 Q You said that this was totally unacceptable 17 with two exclamation marks. Once lunch is complete, you 18 expect all TV, Xbox and recreation to be suspended until 19 the building is clean and presentable. How often do you 20 suspend all recreation until the entire building, 21 including hallways, kitchen, laundry and intake is clean 22 can presentable? 23 MS. ARMSTRONG: Objection. Compound. Vague. 24 THE WITNESS: Very rare. 25 ///</p> <p style="text-align: right;">Page 231</p>	<p>1 or entice workers to clean when you feel it's necessary? 2 MS. ARMSTRONG: Objection. Misstates prior 3 testimony. 4 THE WITNESS: I didn't say it was a policy or 5 practice. It can be allowed. And if I don't have 6 enough detainees from the Voluntary Work Program to go 7 into those departments, then the staff that are working 8 there, they are going to have to GI them. 9 BY MS. WRIGHT: 10 Q What does GI mean? 11 A Clean them thoroughly. 12 Q What does GI stand for? 13 A I don't -- GI is referred to -- it's a military 14 term as a GI, a thorough cleaning. 15 Q Do you agree that suspending recreation time 16 for a detainee is a form of punishment? 17 MS. ARMSTRONG: Objection. Misstates prior 18 testimony. 19 THE WITNESS: It's allowed. And if I need to 20 make up recreation time. I can make up the number of 21 hours at a make up day during that week. 22 BY MS. WRIGHT: 23 Q That's not the question I asked. I asked, do 24 you agree that suspending recreation time is a form of 25 punishment?</p> <p style="text-align: right;">Page 233</p>



<p>1 A No.</p> <p>2 Q Is it a reward?</p> <p>3 A Excuse me?</p> <p>4 Q Is it a reward?</p> <p>5 A No.</p> <p>6 Q How often do you suspend recreation for</p> <p>7 detainees?</p> <p>8 A Rarely.</p> <p>9 Q Do detainees have a right to recreation?</p> <p>10 A It's a program activity that can be suspended.</p> <p>11 Q My question was do detainees have a right to</p> <p>12 recreation?</p> <p>13 A To my knowledge, it's not a right.</p> <p>14 Q Is access to recreation a requirement under the</p> <p>15 PBNDS?</p> <p>16 A Yes.</p> <p>17 Q So detainees at the Adelanto Detention Facility</p> <p>18 have a right under the PBNDS to recreation time?</p> <p>19 MS. ARMSTRONG: Objection. Vague.</p> <p>20 THE WITNESS: PBNDS speaks to the number of</p> <p>21 hours of recreation or outdoor time or out of cell time.</p> <p>22 I don't know specifically what it states.</p> <p>23 BY MS. WRIGHT:</p> <p>24 Q In this case, did you actually, you or your</p> <p>25 subordinates actually suspend TV, Xbox and recreation</p> <p>Page 234</p>	<p>1 as a form of punishment when a detainee declines to</p> <p>2 clean their living space?</p> <p>3 A Remember we discussed that sanction as one of</p> <p>4 12 or 13 other sanctions, yes.</p> <p>5 Q Do you recall whether any detainee were placed</p> <p>6 in disciplinary segregation or restriction as a result</p> <p>7 of the incident that you're discussing here in</p> <p>8 Exhibit 37?</p> <p>9 A No.</p> <p>10 Q You don't recall or it didn't happen?</p> <p>11 A To my knowledge, it did not happen.</p> <p>12 Q Do you agree that GEO relies on detaining</p> <p>13 workers to perform daily operation and maintenance tasks</p> <p>14 at the Adelanto Facility?</p> <p>15 A If they go to work, we rely on them to perform</p> <p>16 the function. If they don't go to work, then staff</p> <p>17 perform the function.</p> <p>18 Q Is it more expensive for GEO when the staff</p> <p>19 performs those functions than when the detainees perform</p> <p>20 those functions?</p> <p>21 MS. ARMSTRONG: Objection. Vague.</p> <p>22 THE WITNESS: I have to pay staff irregardless</p> <p>23 if they work. So they're at work for their normal work</p> <p>24 schedule. I have their labor cost irregardless.</p> <p>25 ///</p> <p>Page 236</p>
<p>1 time until the entire east building was clean and</p> <p>2 presentable?</p> <p>3 A I don't recall.</p> <p>4 Q Do you recall whether you made up the</p> <p>5 recreation time, if you did indeed suspend it?</p> <p>6 MS. ARMSTRONG: Objection. Calls for</p> <p>7 speculation. He's testified he doesn't remember.</p> <p>8 THE WITNESS: I can't recall at this time.</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q Now, with respect to the detainee workers who</p> <p>11 are not being asked to work in their housing units, we</p> <p>12 agreed that that was part of the personal housekeeping</p> <p>13 requirement; right? Detainees can be asked to work</p> <p>14 pursuant to the personal housekeeping requirement;</p> <p>15 right?</p> <p>16 A Yes. PBNDS requires or states that detainees</p> <p>17 are responsible for cleaning their immediate living</p> <p>18 areas.</p> <p>19 Q And under the sanitation policy, there are</p> <p>20 other disciplinary measures that are available when</p> <p>21 detainees do not participate in cleaning pursuant to the</p> <p>22 housekeeping policy; right?</p> <p>23 A There was some listed. I can't quote them.</p> <p>24 Q Do you remember earlier today our discussion</p> <p>25 about the use of disciplinary restriction or segregation</p> <p>Page 235</p>	<p>1 BY MS. WRIGHT:</p> <p>2 Q But sometimes, they have to pay overtime;</p> <p>3 right?</p> <p>4 A Periodically.</p> <p>5 Q How often does that happen?</p> <p>6 MS. ARMSTRONG: Objection. Vague.</p> <p>7 THE WITNESS: I -- when you say how often does</p> <p>8 that recur, can be a little more specific?</p> <p>9 BY MS. WRIGHT:</p> <p>10 Q I can. And we'll do that with Exhibit 37 --</p> <p>11 excuse me -- 38.</p> <p>12 (Plaintiffs' Exhibit 38 was marked for</p> <p>13 identification by the Certified Shorthand Reporter and</p> <p>14 attached hereto.)</p> <p>15 BY MS. WRIGHT:</p> <p>16 Q This is another e-mail chain, so we'll start at</p> <p>17 the last page. This e-mail starts with a message from</p> <p>18 Sharon Buczkowske, Ms. B, on February 16th on 2017. And</p> <p>19 it's been forwarded up to you.</p> <p>20 Do see your name here?</p> <p>21 A Yes.</p> <p>22 Q Okay. And Ms. B says, "I've instructed the</p> <p>23 morning staff to stay for overtime to help serve lunch.</p> <p>24 Detainee workers are not coming to work today."</p> <p>25 Do you see that?</p> <p>Page 237</p>

<p>1 A Yes.</p> <p>2 Q So is this an example on February 26th, 2017</p> <p>3 when GEO morning staff had to be paid overtime to stay</p> <p>4 because not enough detainee workers volunteered for the</p> <p>5 lunch shift?</p> <p>6 A It appears to be, according to Ms. B's e-mail.</p> <p>7 Q But you have no personal knowledge of how often</p> <p>8 this occurs where GEO staff have to be paid overtime for</p> <p>9 stepping in when --</p> <p>10 A Not --</p> <p>11 Q -- detainees -- when there are not enough</p> <p>12 detainees to do the work?</p> <p>13 MS. ARMSTRONG: Objection. Vague.</p> <p>14 THE WITNESS: Not specifically. It happens</p> <p>15 periodically.</p> <p>16 BY MS. WRIGHT:</p> <p>17 Q If -- it sounds like it's not ideal for GEO to</p> <p>18 have its own staff running the maintenance and operation</p> <p>19 functions that detainee workers can perform.</p> <p>20 Do you agree with that?</p> <p>21 MS. ARMSTRONG: Objection. Vague.</p> <p>22 THE WITNESS: It may not be ideal, but it's</p> <p>23 hour responsibility to provide the services.</p> <p>24 BY MS. WRIGHT:</p> <p>25 Q I'm not sure I understand your question -- your</p> <p style="text-align: right;">Page 238</p>	<p>1 service?</p> <p>2 A Approximately -- approximately 30.</p> <p>3 Q Does GEO employ any dishwashers non-detainee</p> <p>4 dishwashers?</p> <p>5 A Not -- I mean not specific titles to that, no.</p> <p>6 They're --</p> <p>7 Q I'm going to hand you what has been previously</p> <p>8 marked as Exhibit 15.</p> <p>9 MS. ARMSTRONG: Again, this -- is this an</p> <p>10 exhibit that was previously marked and now we have a</p> <p>11 version that has Bates numbers?</p> <p>12 MS. WRIGHT: This is identical to the version</p> <p>13 that we've used in one of the other depositions.</p> <p>14 MS. ARMSTRONG: As Exhibit 15. And now this</p> <p>15 version includes the Bates number ADELANTO-SDT-0002103.</p> <p>16 MS. WRIGHT: We did not have those Bates</p> <p>17 numbers.</p> <p>18 MS. ARMSTRONG: I'm sorry. I understand.</p> <p>19 MS. WRIGHT: Yeah, no problem.</p> <p>20 (Plaintiffs' Exhibit 15 was previously marked</p> <p>21 for identification by the Certified Shorthand Reporter</p> <p>22 and attached hereto.)</p> <p>23 BY MS. WRIGHT:</p> <p>24 Q Mr. Janecka, this is an Amendment of</p> <p>25 Solicitation Slash/Modification of Contract,</p> <p style="text-align: right;">Page 240</p>
<p>1 answer. It's not ideal -- well, actually, it's fine.</p> <p>2 How many warehouse clerks do you employ at the</p> <p>3 Adelanto Detention Center?</p> <p>4 A Staff?</p> <p>5 Q That's right?</p> <p>6 A GEO staff?</p> <p>7 Q GEO staff. Thank you for the clarification.</p> <p>8 A I have a warehouse supervisor and one clerk.</p> <p>9 Q How many janitors did you say that you employ?</p> <p>10 A I'm authorized seven.</p> <p>11 Q But only six are currently employed?</p> <p>12 A I believe that's correct.</p> <p>13 Q How many laundry technicians do you employ?</p> <p>14 A I believe it's three.</p> <p>15 Q And you said that there are five detainee</p> <p>16 workers who work in the laundry as part of the Voluntary</p> <p>17 Work Program; is that right?</p> <p>18 A I don't recall stating that, but that's an</p> <p>19 approximate number.</p> <p>20 Q How many GEO employees work in maintenance at</p> <p>21 Adelanto?</p> <p>22 A I have a supervisor, five or six maintenance</p> <p>23 techs. I forget the exact number. And two -- two tool</p> <p>24 room clerks.</p> <p>25 Q And how many GEO employees work in food</p> <p style="text-align: right;">Page 239</p>	<p>1 Amendment No. P00020. And it looks like it was signed</p> <p>2 on December 1st, 2015 by Cynthia Herrera. This is a</p> <p>3 modification to the IGSA.</p> <p>4 Have you seen this document before?</p> <p>5 A Yes.</p> <p>6 Q When was the last time you saw this?</p> <p>7 A I can't be specific as to what date it was.</p> <p>8 Q Was it this week?</p> <p>9 A This is an old document, so it's been a while</p> <p>10 since I referred to it.</p> <p>11 Q Okay. Let's look at page Bates Stamp</p> <p>12 ADELANTO-SDT-2105. This is a Minimum Guaranteed</p> <p>13 Staffing Plan. My understanding is that this is -- this</p> <p>14 is a staffing plan for when there are 1,455 detainees at</p> <p>15 the Adelanto Detention Center; is that correct?</p> <p>16 A It's correct.</p> <p>17 Q Okay. So under this staffing plan, the Minimum</p> <p>18 Guaranteed Staffing Plan -- you know what, we're going</p> <p>19 to do -- we're going to go through the staffing plan.</p> <p>20 And I'm going to make a little chart as we go. And then</p> <p>21 we will enter that into evidence. So if you will</p> <p>22 indulge me.</p> <p>23 How many warehouse clerks are provided for in</p> <p>24 this staffing plan, full-time employees?</p> <p>25 A On this staffing plan?</p> <p style="text-align: right;">Page 241</p>

<p>1 Q That's correct. 2 A Zero. 3 Q So Minimum Guarantee Staffing Plan, there's 4 zero warehouse clerks. 5 How many janitors are provided for in this 6 staffing plan? 7 A On this staffing document, three. 8 Q How many laundry technicians? 9 A Two. 10 Q Let's turn to the next -- oh, no, same page. 11 How many maintenance -- maintenance workers? 12 A Total of six. 13 Q A total of six. And that includes a 14 maintenance supervisor; right? 15 A Correct. 16 Q And we've already established that detainees 17 are not supervisors -- 18 A Correct. 19 Q -- in the work program? 20 How many food service workers are presented for 21 in this staffing plan total? 22 A Twenty-seven. 23 Q And that includes managers, supervisors, 24 workers and clerks; right? 25 A That's correct.</p> <p style="text-align: right;">Page 242</p>	<p>1 document? 2 BY MS. WRIGHT: 3 Q That is what I'm asking. We're just talking 4 about this document right now. 5 A Okay. Because -- 6 Q We're talking about the document that is Bates 7 labeled ADELANTO-SDT-0002108. 8 A Right. On the document, it's six -- or I'm 9 sorry -- 8. I didn't see it clearly. 10 Q And how many food service workers including 11 managers and supervisors are required when the staffing 12 plan is at max capacity pursuant to this document? 13 A The staffing plan authorizes 27. 14 Q So the difference here between minimum 15 guaranteed and maximum beds is 485 detainees, but 16 according to these staffing plans, despite an increase 17 in the population of 485 detainees, GEO does not need to 18 staff additional janitors. 19 You see that; right? 20 A On the -- 21 MS. ARMSTRONG: Objection. Assumes facts not 22 in evidence. 23 THE WITNESS: On this staffing document, there 24 were none allotted. 25 ///</p> <p style="text-align: right;">Page 244</p>
<p>1 Q Okay. Go ahead and flip the page of Exhibit 15 2 to the page Bates marked ADELANTO-SDT-0002107. Here 3 we've got-- oops. I'm sorry. Wrong page. 4 Please turn to the page marked 2108? 5 MS. ARMSTRONG: 2108? 6 THE WITNESS: Okay. 7 BY MS. WRIGHT: 8 Q This is the staffing plan at full capacity, 9 which is 1,940 beds; right? 10 A Yes. 11 Q Okay. When there is full capacity, when there 12 are 1,940 detainees at the Adelanto Detention Center, 13 how many warehouse clerks do you need? 14 A We have one. 15 Q How many janitors do you need? 16 A We have seven at the moment -- 17 Q And that's -- 18 A -- authorized -- on the document, it says 19 three? 20 Q Okay. How many laundry technicians do you 21 need? 22 A Strictly technicians, it has two. 23 Q How many maintenance workers do you need total 24 including the supervisor? 25 MS. ARMSTRONG: Are you asking what's on the</p> <p style="text-align: right;">Page 243</p>	<p>1 BY MS. WRIGHT: 2 Q And that's because detainee workers would 3 theoretically work to clean the facility? 4 A No. The janitor strictly worked the 5 administrative areas outside of the secure area. I 6 can't speak to the company and ICE's rationale for 7 agreeing to this document. 8 Q So more janitors are not needed with the 9 facility increases, because why? Can you explain that 10 to me? 11 A I can't speak to why this document didn't have 12 more janitors built into it. 13 Q Why would GEO need to employ only two laundry 14 technicians in the context when the detainee population 15 increases by 485 people? 16 MS. ARMSTRONG: Objection. Calls for 17 speculation. 18 THE WITNESS: I can't speak to it, but the 19 laundry departments did not change in their physical 20 plant size. 21 Q But the quantity of laundry that needs to be 22 laundered would change with 485 additional bodies. 23 Don't you agree? 24 A I can't speak to why the company and ICE agreed 25 that those were the approved numbers. I had no</p> <p style="text-align: right;">Page 245</p>

<p>1 involvement in it.</p> <p>2 Q Do you agree that the amount -- the quantity of</p> <p>3 laundry that would need to be laundered would increase</p> <p>4 with the addition of 485 detainees?</p> <p>5 A The laundry will increase.</p> <p>6 Q And the work in the laundry rooms will increase</p> <p>7 as a result.</p> <p>8 Do you agree with that?</p> <p>9 A There would be some increase.</p> <p>10 Q And let's look at the food service column.</p> <p>11 Under this staffing plan, GEO needs 27 food service</p> <p>12 workers at minimum capacity and 27 food service workers</p> <p>13 at maximum capacity.</p> <p>14 Why do you think that there's no change in</p> <p>15 between those two plans?</p> <p>16 MS. ARMSTRONG: Objection. Calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: Again, I didn't have involvement</p> <p>19 in developing the staffing document. I can't speak for</p> <p>20 whomever developed it.</p> <p>21 BY MS. WRIGHT:</p> <p>22 Q Do you know who developed this staffing plan?</p> <p>23 A Not off the top of my head, no.</p> <p>24 Q Is it someone at GEO?</p> <p>25 A Not for sure.</p> <p style="text-align: right;">Page 246</p>	<p>1 Q Do you know whether Paul Laird, the western</p> <p>2 regional vice president, has authority to create</p> <p>3 staffing plans at Adelanto?</p> <p>4 A To my knowledge, no. He may have some input,</p> <p>5 but create, no, not to my knowledge.</p> <p>6 Q No, he doesn't have authority to do it or no,</p> <p>7 you don't know?</p> <p>8 A To my knowledge, I -- I'm not aware of him</p> <p>9 having the authority to do it.</p> <p>10 Q Does David Donahue create staffing plans for</p> <p>11 Adelanto?</p> <p>12 A He has involvement. I can't speak to his</p> <p>13 authority. I don't know all of his authorities when it</p> <p>14 comes to these documents.</p> <p>15 Q Do you, as the warden of the Adelanto Detention</p> <p>16 Center, have any input in creating staffing plans, like</p> <p>17 the one that we're looking at right now?</p> <p>18 A I can make a suggestion or a comment, may</p> <p>19 not -- may or may not be considered.</p> <p>20 Q How frequently do you make suggestions or</p> <p>21 comments?</p> <p>22 A I think I mentioned this morning, when we were</p> <p>23 speaking, regarding janitor -- GEO janitorial staff,</p> <p>24 that there was a discussion between my regional vice</p> <p>25 president, Mr. James Black, and myself, that GEO added</p> <p style="text-align: right;">Page 248</p>
<p>1 Q But you as the warden of the Adelanto Detention</p> <p>2 Center are not responsible for coming up with staffing</p> <p>3 plans for your own facility?</p> <p>4 MS. ARMSTRONG: Objection. Misstates prior</p> <p>5 testimony.</p> <p>6 THE WITNESS: I don't have the authority to</p> <p>7 develop an entire staffing plan.</p> <p>8 BY MS. WRIGHT:</p> <p>9 Q Who does?</p> <p>10 A It's done at a level much higher than mine.</p> <p>11 Q Which level?</p> <p>12 A I'm not exactly sure who develops them in the</p> <p>13 corporate office.</p> <p>14 Q Okay. Let's talk about the corporate office.</p> <p>15 Your immediate supervisor, remind me of who that is?</p> <p>16 A Joe Moorehead.</p> <p>17 Q And he's in Los Angeles?</p> <p>18 A Correct.</p> <p>19 Q And his title is?</p> <p>20 A Director western region director of operations.</p> <p>21 Q Do you know whether Joe Moorehead creates</p> <p>22 staffing plans for the Adelanto Detention Center?</p> <p>23 A He may have some involvement, but as far as</p> <p>24 creating them to become a contractual document not to my</p> <p>25 knowledge.</p> <p style="text-align: right;">Page 247</p>	<p>1 for additional janitors, whether I make a suggest and</p> <p>2 it's considered or not it way above my authority.</p> <p>3 Q Did you have any input with respect to these</p> <p>4 staffing numbers that were looking at in Exhibit 15?</p> <p>5 A On this document, your -- specific to this</p> <p>6 document; correct?</p> <p>7 Q I'm talking about Exhibit 15, that's correct,</p> <p>8 the document in front of you?</p> <p>9 A I don't recall specific input. I -- not that I</p> <p>10 recall at this time.</p> <p>11 Q So your testimony is that you don't know who</p> <p>12 created this staffing plan that we're looking at here</p> <p>13 for the Adelanto Detention Center; is that correct?</p> <p>14 A I don't know who created a final version. I</p> <p>15 don't.</p> <p>16 Q Who created a draft version?</p> <p>17 A I don't know.</p> <p>18 Q Who should we be asking these questions to if</p> <p>19 it's not you?</p> <p>20 A Someone at the corporate office develops our</p> <p>21 contractual staffing plan. I'm not sure who that</p> <p>22 individual is.</p> <p>23 Q And these numbers are different today, you've</p> <p>24 said; is that correct?</p> <p>25 MS. ARMSTRONG: Objection. Vague.</p> <p style="text-align: right;">Page 249</p>

<p>1 THE WITNESS: The number that I recognize as 2 being different is the janitor numbers. 3 BY MS. WRIGHT: 4 Q Okay. So let's add this today. And how many 5 janitors are staffed pursuant to the current Adelanto 6 Detention Center staffing plan at minimum guaranteed 7 capacity? 8 A Right now, we operate off the 1,940. My 9 authorized staffing for janitors is seven. 10 Q Okay. But there are only six currently on 11 staff? 12 A I believe. I'm not 100 percent sure, but I 13 believe seven -- excuse me -- six of seven are filled. 14 Q Okay. How many warehouse clerks do you employ 15 at the Adelanto Detention Center? 16 A One. 17 Q How many laundry technicians? 18 A Two. 19 Q How many maintenance workers? 20 A Eight. 21 Q How many food service workers? 22 A The 27. 23 Q Okay. So the only change between the document 24 that we we're looking at, Document 15, and today, to 25 your knowledge is that four additional janitors --</p> <p style="text-align: right;">Page 250</p>	<p>1 BY MS. WRIGHT: 2 Q You're the warden of the detention center. You 3 have an understanding of what it takes to maintain and 4 operate the Adelanto Detention Center; right? 5 A Yes. 6 Q You have an understanding of what it takes to 7 do the laundry for 1,940 people; right? 8 A Yes. 9 Q And to run the kitchens for that many people; 10 right? 11 A Yes. 12 Q So if no detainee workers showed up or the 13 Voluntary Work Program ceased to exist, would you have 14 to hire additional staff to fulfill those functions? 15 MS. ARMSTRONG: Objection. Compound. Calls 16 for speculation. Vague. 17 THE WITNESS: I don't know. As of right now, 18 if detainees don't show up, we use additional staff 19 resources to accomplish whatever tasks needs to be 20 accomplished. It would be above my authority. I don't 21 know if it would have to be increased. 22 MS. WRIGHT: We'll enter this chart into the 23 record as Exhibit 39. 24 /// 25 ///</p> <p style="text-align: right;">Page 252</p>
<p>1 janitor positions have been created? 2 A To those columns, yes. 3 Q And all seven of those janitor positions are to 4 clean and maintain areas outside the secured perimeter? 5 A Primarily, yes. 6 Q That's -- earlier you said that janitors 7 maintain the administrative buildings, where detainees 8 can't go. 9 Are you changing your testimony now? 10 MS. ARMSTRONG: Objection. Misstates prior 11 testimony. Argumentative. If you're going to state 12 things like that, at least, be accurate about what he 13 did state earlier, which isn't what you just said. 14 BY MS. WRIGHT: 15 Q Go ahead, sir. 16 A I'm not changing any statement. That is where 17 the areas they clean. 18 Q If no detains showed up for any voluntary work 19 program shifts ever, would these numbers have to change, 20 staffing program numbers have to change? 21 MS. ARMSTRONG: Objection. Calls for 22 speculation. 23 THE WITNESS: I can't speak to that. I don't 24 know. 25 ///</p> <p style="text-align: right;">Page 251</p>	<p>1 (Plaintiffs' Exhibit 39 was marked for 2 identification by the Certified Shorthand Reporter and 3 attached hereto.) 4 BY MS. WRIGHT: 5 Q Okay. Warden Janecka, the Adelanto Facility is 6 audited on occasion by governmental or non-governmental 7 organizations; right? 8 MS. ARMSTRONG: Objection. Compound. 9 THE WITNESS: Yes, it's audited. 10 BY MS. WRIGHT: 11 Q How do you prepare for those audits? 12 A We prepare by trying to ensure that we're 13 meeting the PBNDS standards and the ACA standards. 14 Q What specific tasks do you undertake in advance 15 of an audit? 16 A Could be to ensure our sanitation levels are 17 up. It could be to ensure -- try to ensure that our 18 policies are up to date, post orders, meet with staff 19 are some of the things we do. 20 Q When you meet with staff in advance of an 21 audit, what is the purpose of that conversation? 22 MS. ARMSTRONG: Objection. Vague. 23 THE WITNESS: It's for their staff awareness of 24 their departments. 25 ///</p> <p style="text-align: right;">Page 253</p>



<p>1 BY MS. WRIGHT: 2 Q Now, the Adelanto Detention Center is 3 accredited by the America Credential Association; is 4 that right? 5 A That's correct. 6 Q That's known as ACA? 7 A Correct. 8 Q And to obtain that accreditation and to 9 maintain it, ACA conducts audits of Adelanto; right? 10 A Correct. 11 Q How frequently does ACA conduct an audit of 12 Adelanto? 13 A Once every three years. 14 Q When was the most recent inspection. 15 A It was in 2016, the fall. I forget the month, 16 but it was in the fall of 2016. 17 Q When is the next ACA inspection? 18 A This fall, 2019. 19 Q What day? 20 A I don't know -- it's the latter part of 21 October, early November. I don't know the specific 22 dates off the top of my head. 23 Q But ACA has notified you of the date? 24 A I was -- been notified by my regional office as 25 of the date. I don't know it specifically.</p> <p style="text-align: right;">Page 254</p>	<p>1 A Correct. 2 Q Okay. So you were notified that an audit would 3 take place on October 24th or 25th of 2016; right? 4 A Correct. 5 Q And this letter is dated September 20th, 2016. 6 So you had a little over a month's notice? 7 A Approximately, yes. 8 Q But in this case, you've got more than a couple 9 of months notice of the next audit. You already know 10 the date of that; right? 11 A Our audits are pretty consistent, every three 12 years. It's going to be around that time period. So I 13 said late October, early November. I don't know exactly 14 the dates. 15 Q But you've been notified of the date of the 16 audit. You just can't recall it as you sit here today? 17 A Correct. 18 Q Hand you Exhibit 41. 19 (Plaintiffs' Exhibit 41 was marked for 20 identification by the Certified Shorthand Reporter and 21 attached hereto.) 22 BY MS. WRIGHT: 23 Q Exhibit 41 is an e-mail from Sharon Buczkowske, 24 Ms. B, sent on September 26th of 2016 to you. And the 25 subject line is Day One ACA Mock Walk.</p> <p style="text-align: right;">Page 256</p>
<p>1 Q Have you started preparing for that audit yet? 2 A We try to stay prepared on a daily basis. 3 Q But have you undertaken any tasks specifically 4 in anticipation of that audit? 5 A I emphasized to staff what some of the auditors 6 look for as their on their walk throughs and some of the 7 requirements. 8 Q Okay. I'll hand you Exhibit 40. 9 (Plaintiffs' Exhibit 40 was marked for 10 identification by the Certified Shorthand Reporter and 11 attached hereto.) 12 BY MS. WRIGHT: 13 Q This is a letter to American Correctional 14 Association letterhead. It is dated September 20th, 15 2016, addressed to you, James Mr. Janecka, warden of 16 Adelanto Detention Facility. And its signed by -- at 17 the bottom by Samuel Meyer at Standards and 18 Accreditation, ACA. 19 Are you familiar with this document? 20 A Yes. 21 Q What is this document? 22 A It's the notice from ACA that -- when the 23 facility will be going through the ACA audit. 24 Q So this pertains to the 2016 audit, which is 25 the most recent ACA audit; right?</p> <p style="text-align: right;">Page 255</p>	<p>1 Do you see that? 2 A Yes. 3 Q Do you recall receiving this e-mail? 4 A I don't recall receiving it, but I'm on the 5 e-mail. 6 Q Do you have any reason to think you didn't 7 receive it? 8 A No. 9 Q Let's look at the last e-mail in this chain, 10 which actually starts at the bottom of the first page. 11 So we're looking at the bottom of the page Bates Stamped 12 2274. You can look at the screen, if that's helpful. 13 This is an e-mail from you, James Mr. Janecka, dated 14 July 20th, 2016. The subject is Day One ACA Mock Walk; 15 correct? 16 A Yes. 17 Q And in the e-mail you say that you weren't able 18 to attend all of the Day One ACA Mock Walk, but you did 19 get to attend about two-thirds of it. 20 What is an ACA mock walk? 21 A An ACA mock walk is our company sends staff in 22 from our regional office or other facilities, typically, 23 six -- four to six months prior to the actual audit. 24 And those individuals go through and they are -- they go 25 through all the different ACA standards and things that</p> <p style="text-align: right;">Page 257</p>



<p>1 the actual ACA auditors may look at, and point out areas 2 that -- if they need improvement or things that could be 3 improved upon. 4 Q And who from corporate conducts the ACA mock 5 walk? 6 A It could be -- it could be somebody from the 7 corporate office. Typically, it's some -- our regional 8 compliance director or one of her staff. 9 Q And what's her name? 10 A Heather West. 11 Q Who conducted this ACA mock walk from 12 corporate? 13 A I don't recall who was on the walk. I don't 14 remember. 15 Q Have you already had the ACA mock walk for the 16 2019 inspection? 17 A No. 18 Q Have you planned it? 19 A We have an upcoming remote audit, second or 20 third week in July. 21 Q And who from corporate is going to conduct the 22 remote audit? 23 A It's going to be some of the regional 24 compliance team. 25 Q And who is that?</p> <p style="text-align: right;">Page 258</p>	<p>1 build. It involves review of policy and post orders. 2 Q What ACA files do you build? What does that 3 mean? 4 A There's -- I can't quote the exact number, but 5 there's approximately 400 standards that ACA audits. 6 And there are files that are built for supporting 7 documentation on each one of those approximately 400 8 standards. 9 Q Who maintains those files? 10 A My compliance manager. 11 Q Who is that? 12 A Joanne Langill, L-a-n-g-i-l-l. 13 Q And what exactly is in the files? Are they 14 physical files or computer files? 15 A They're computer files. It's in an -- I guess 16 I'm not an electronics person. I'm not that savvy, but 17 it's an electronic database-type that maintains the 18 files. 19 Q What is the database called? 20 A I -- I don't know the specific name of the 21 database. 22 Q And so what -- what is specifically within each 23 file? 24 A There's a copy of the standard that ACA 25 provides to all facilities that fall under their</p> <p style="text-align: right;">Page 260</p>
<p>1 A Heather West, if I'm not mistaken, a gentleman 2 by the name of Christopher Nardozi. And there's another 3 lady that works in -- for Heather, that I don't remember 4 her name. She may be on the team also. 5 Q And are those individuals also going to conduct 6 an in-person ACA -- ACA mock walk for the 2019 7 inspection? 8 A To my knowledge, I haven't been notified of a 9 personal walk. I have been notified of the remote 10 audit. 11 Q What does the remote audit entail? 12 A It -- it's a review of files and policies and 13 procedures. 14 Q Does the remote audit review the conditions on 15 the ground, the sanitation and the maintenance on the 16 ground? 17 A I haven't been notified that we're going to 18 have a physical audit at the facility, mock audit yet. 19 Q So the remote audit does not involve an audit 20 of the conditions on the ground? 21 A Not if it's a remote, no. 22 Q So -- and you said the remote audit does 23 involve looking through records? Is that what you said? 24 Can you remind me? 25 A It involves looking through ACA files that we</p> <p style="text-align: right;">Page 259</p>	<p>1 standards. And it will state whatever the standard is. 2 And then behind it, there will be supporting 3 documentation to show that you meet the standard. 4 Q And who creates the supporting documentation to 5 show that the standard is met? 6 A The documentation is collected from the 7 different departments where the standard is applicable 8 to. So each department has a set of standards. Their 9 paperwork is designed to meet the ACA standards. So 10 it's collected and turned over to Ms. Langill. 11 Q And how often do these ACA files get audited? 12 How often are they added to? 13 A Some standards require quarterly documentation. 14 Some standards require annual. It varies on the 15 standard. 16 Q Let's look at page -- the first page of 17 Exhibit 41, Bates Stamp 2274. So you e-mailed your team 18 on July 20th, 2016 about the mock walk with a list of 19 tasks that you thought should be attended to before the 20 mock walk; is that right? 21 A I think it was actually during the mock audit, 22 because I was -- said I was not able to attend all of 23 day one. So it was either during or immediately after 24 the mock audit. 25 Q Okay. And then Ms. Buczkowske responded to</p> <p style="text-align: right;">Page 261</p>

<p>1 your e-mail to you on September 26th, 2016 and she says, 2 "The ceilings need to be done by maintenance when 3 they're able. The cleaning will be done by staff and 4 detainees"; is that correct? 5 A That's correct. 6 Q So the detainee workers contribute to preparing 7 for the audits; is that right? 8 MS. ARMSTRONG: Objection. Vague. 9 THE WITNESS: The detainees would be performing 10 functions under the their voluntary work assignment. 11 BY MS. WRIGHT: 12 Q So it's correct that the detainees would be 13 performing work in preparation for this audit? 14 A If they choose to do so as part of their 15 Voluntary Work Program. 16 Q So it is correct, the detainees working in the 17 Voluntary Work Program, who perform work that 18 contributes to preparing for an ACA audit? 19 A It can. 20 Q Okay. Let's look at Exhibit 42. 21 (Plaintiffs' Exhibit 42 was marked for 22 identification by the Certified Shorthand Reporter and 23 attached hereto.) 24 BY MS. WRIGHT: 25 Q This is a Significant Injury Summary. It's got Page 262</p>	<p>1 A Yes. 2 Q And during this period, there is one event that 3 is recorded in this Significant Incident Summary by ACA. 4 What is that event? 5 A A suicide. 6 Q On March 28th, 2017, a 32-year-old man died at 7 an area hospital after he was found hanging from his bed 8 sheets in his cell at the Adelanto Facility; right? 9 A Correct. 10 Q What was his name? 11 A If I'm not mistaken, it was -- Gonzalez Gadba, 12 Gadba Gonzalez. 13 Q How many detainees have died during their 14 detention at the Adelanto Facility since you became 15 warden? 16 A Five, I believe. 17 Q This is Exhibit 43. 18 (Plaintiffs' Exhibit 43 was marked for 19 identification by the Certified Shorthand Reporter and 20 attached hereto.) 21 BY MS. WRIGHT: 22 Q This the detainee death review of Raul Ernesto 23 Morales Ramos. 24 Have you ever seen this document before? 25 A I don't recall. I don't recall seeing it Page 264</p>
<p>1 an ACA logo at the bottom and the Bates number is ACA 2 144. 3 MS. ARMSTRONG: I think it says Significant 4 Incident Summary. 5 MS. WRIGHT: I don't know what I said, but that 6 is correct. 7 MS. ARMSTRONG: Injury. 8 BY MS. WRIGHT: 9 Q Okay. Have you seen this document before? 10 A Yes. 11 Q When was the last time you saw this? 12 A This specific document? This one in particular 13 or in general? 14 Q Well, when did you last see this particular 15 document? 16 A I couldn't tell you the last time I saw this 17 document. 18 Q When did you see this document in general? 19 A I've seen it over the years I have worked in 20 corrections and detention. It would have been prior to 21 possibly our last ACA audit. 22 Q If you look at the top here, the reporting 23 period is January 2017 to December 2017; right? 24 A Okay. 25 Q Is that right? Page 263</p>	<p>1 specifically. I may have. 2 Q Who creates these documents, these detainee 3 death reviews? Do you know? 4 A I don't know. I was looking for who conducted 5 this. I don't know off the top of my head. 6 Q Is this a GEO document? 7 A It doesn't appear to be. 8 Q Have you ever heard of the ICE Office of 9 Professional Responsibility External Review and Analysis 10 Unit? 11 A I've heard of it, yes. 12 Q What's your understanding of that unit? 13 A I don't -- I'm not that familiar with that part 14 of the DHS. 15 Q Is there an external reviews and analysis unit 16 located at the Adelanto Facility? 17 A I'm sorry. Can you say that again? 18 Q Does ICE maintain an Office of Professional 19 Responsibility External Reviews and Analysis Unit at the 20 Adelanto Facility? 21 A No, not that I'm aware of. 22 Q Does ICE conduct its own external reviews after 23 a detainee dies while in detention there? 24 A When you refer to ICE, there's multiple 25 branches. Page 265</p>

<p>1 Q I'm sorry.</p> <p>2 Does GEO conduct its own internal reviews</p> <p>3 following a detainee death in detention at the facility?</p> <p>4 A Sometimes.</p> <p>5 Q When does GEO conduct internal reviews?</p> <p>6 A They -- whenever the corporate office would</p> <p>7 deem it's necessary to send in a team to come in and do</p> <p>8 an afteraction review.</p> <p>9 Q And under what circumstances has corporate sent</p> <p>10 a team to do an afteraction review?</p> <p>11 A It's been at -- since I've been there, I can</p> <p>12 think of the one suicide that you mentioned. And I</p> <p>13 don't recall if we had afteraction reviews on any of the</p> <p>14 other incidents from GEO.</p> <p>15 Q Does GEO, at the facility level, so you as</p> <p>16 warden, do you take any steps to conduct any kind of</p> <p>17 internal investigation following a detainee death?</p> <p>18 A We'll take an initial review of the process,</p> <p>19 but the incident is going to be ultimately reviewed by</p> <p>20 someone, an entity possibly from ICE.</p> <p>21 Q And that's what your -- are you referring to</p> <p>22 these detainee death reviews?</p> <p>23 A This -- I'm -- I'm not -- I think you told me</p> <p>24 who did this, but ICE Office of Professional</p> <p>25 Responsibility, it appears to be the one who did the</p> <p>Page 266</p>	<p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q Do you recall the death of Mr. Morales?</p> <p>4 A Generally, yes.</p> <p>5 Q What do you recall about it?</p> <p>6 A If I recall, he -- he died at an outside</p> <p>7 hospital. I forget which outside hospital. It was</p> <p>8 somewhere found that he had some internal organ failure.</p> <p>9 I don't remember all the specifics of it.</p> <p>10 Q ERAU, which is the acronym for the ICE office</p> <p>11 that conducted this detainee death review, found that</p> <p>12 Mr. Morales had been scheduled to see a medical</p> <p>13 provider, but the provider documented the appointment</p> <p>14 was not indicated, that the detainee was seen for the</p> <p>15 same complaint a month prior and that that violated the</p> <p>16 PBNDS standard on medical care, which is Section 5.A.3</p> <p>17 and 6 of that standard.</p> <p>18 Do you agree that this incident as reported</p> <p>19 here is a violation of the PBNDS?</p> <p>20 MS. ARMSTRONG: Objection. Vague.</p> <p>21 THE WITNESS: I'm not a medical provider. I</p> <p>22 mean, I can read what is written. I do not see where it</p> <p>23 says it was a violation, but I'm not a doctor to make</p> <p>24 that assessment.</p> <p>25 ///</p> <p>Page 268</p>
<p>1 review, yes.</p> <p>2 Q And just so that I'm clear, the only</p> <p>3 afteraction review that you are aware of from GEO</p> <p>4 corporate, it was in response to the March 2017 suicide</p> <p>5 at the Adelanto Detention Center?</p> <p>6 A The one that I can recall. There may have been</p> <p>7 others, but I recall that one.</p> <p>8 Q Would you see the afteraction review, if there</p> <p>9 is one?</p> <p>10 A Possibly. I don't recall if I've seen any</p> <p>11 afteraction reviews on any of the deaths from the</p> <p>12 company.</p> <p>13 Q But if there was an afteraction review, would</p> <p>14 it be sent to you?</p> <p>15 A Possibly. I can't recall if I received them.</p> <p>16 Q Now, Mr. Morales was 44-years-old. Do you see</p> <p>17 where I'm reading here? You can look at the screen? He</p> <p>18 died on April 6th, 2017. The cause of death was</p> <p>19 preliminarily found to be liver and kidney failure.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q Down below, it says, "Mr. Morales had been</p> <p>23 transferred to the Adelanto Detention Facility in</p> <p>24 Adelanto, California on May 6th, 2014, where he remained</p> <p>25 until the date -- until his date of death."</p> <p>Page 267</p>	<p>1 BY MS. WRIGHT:</p> <p>2 Q Do you see where it says, "ODO determined the</p> <p>3 medical care provided to Morales by ADF, the Adelanto</p> <p>4 detainee did not meet all the requirements of the ICE</p> <p>5 PBNDS 2011 Medical Care."</p> <p>6 Do you see that?</p> <p>7 A Yes, I do.</p> <p>8 Q But this is the first time you've seen this</p> <p>9 document that you know of?</p> <p>10 A I don't recall if I've seen it or not, but if</p> <p>11 I've seen it, I can't remember all the detail to it.</p> <p>12 Q Then it says, "Deficiencies were identified in</p> <p>13 the following components."</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q You see that ICE found that the medical care</p> <p>17 standard was deficient as applied to Mr. Morales?</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q ICE found on the following page, which is Bates</p> <p>21 Stamped 3489, that the Adelanto Facility violated ICE</p> <p>22 PBNDS standard on medical care, Section 5.G.12, which</p> <p>23 requires that each detainee facility complies with a</p> <p>24 written policy for the management of pharmaceuticals.</p> <p>25 Do you see that?</p> <p>Page 269</p>

<p>1 A I see.</p> <p>2 Q Were you aware of this finding before today?</p> <p>3 A If I've seen of this document, I was aware. I</p> <p>4 don't recall it at the moment.</p> <p>5 Q At you sit here today, you don't recall seeing</p> <p>6 this finding?</p> <p>7 A I don't specifically recall it, no.</p> <p>8 Q Exhibit 44.</p> <p>9 (Plaintiffs' Exhibit 44 was marked for</p> <p>10 identification by the Certified Shorthand Reporter and</p> <p>11 attached hereto.)</p> <p>12 BY MS. WRIGHT:</p> <p>13 Q Do you recall the death of Jose Manuel</p> <p>14 Azurdia-Hernandez?</p> <p>15 A Generally.</p> <p>16 Q What do you recall about it?</p> <p>17 A I don't recall the specifics of his death. If</p> <p>18 I'm not mistaken, he died at an outside hospital</p> <p>19 somewhere near Christmas of 2015. I don't recall at</p> <p>20 this moment the specifics of it.</p> <p>21 Q Have you seen his detainee death review, which</p> <p>22 is Exhibit 44 before today?</p> <p>23 A Again, I don't specifically recall it. I may</p> <p>24 have seen it, but I don't remember it at the moment.</p> <p>25 Q Mr. Azurdia died on December 24th, 2015. And</p> <p style="text-align: right;">Page 270</p>	<p>1 Q But this is the first time that you've seen</p> <p>2 this document to your recollection --</p> <p>3 MS. ARMSTRONG: Objection. Misstates prior</p> <p>4 testimony.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q -- is that correct?</p> <p>7 A I did not say that. I said if I've seen the</p> <p>8 document, I do not recall the document.</p> <p>9 Q Your recollection, this is the first time</p> <p>10 you've seen this document?</p> <p>11 MS. ARMSTRONG: Same objection. Misstates</p> <p>12 prior testimony.</p> <p>13 THE WITNESS: I can't honestly say that. I may</p> <p>14 have seen the document. I do not recall the document.</p> <p>15 And it's -- and the specifics, if I've seen it.</p> <p>16 BY MS. WRIGHT:</p> <p>17 Q You understand that under the PBNDS Medical</p> <p>18 Care section, a detainee must receive a comprehensive</p> <p>19 health assessment including a physical examination and a</p> <p>20 mental health screening within 14 days of his arrival at</p> <p>21 the facility; right?</p> <p>22 A Yes.</p> <p>23 Q And ICE found that Mr. Azurdia, his initial</p> <p>24 physical assessment was delayed by 22 days beyond that</p> <p>25 14-day requirement; right?</p> <p style="text-align: right;">Page 272</p>
<p>1 the cause of death is cardiogenic shock, massive right</p> <p>2 ventricular infarction and severe systemic heart</p> <p>3 disease.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And he was detained at the Adelanto Detention</p> <p>7 Facility at Adelanto, California at the time of his</p> <p>8 death.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Do you have any reason to dispute those facts?</p> <p>12 A No.</p> <p>13 Q Please turn to the page Bates Stamp Novoa-3413</p> <p>14 in Exhibit 44. It's page 16 or just look up here.</p> <p>15 A Oh.</p> <p>16 Q The conclusion of this detainee death report is</p> <p>17 that the Adelanto Detention Facility is deficient in the</p> <p>18 following areas of ICE PBNDS 2011 Medical Care.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And then it lists several ways in which the</p> <p>22 medical care that was received at Adelanto by Azurdia</p> <p>23 was deficient in violation of the PBNDS.</p> <p>24 Do you see that?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 271</p>	<p>1 A That's what's stated, yes.</p> <p>2 Q And you agree that that violates this PBNDS</p> <p>3 standard that we just discussed?</p> <p>4 A That's what is stated, yes.</p> <p>5 Q Have you taken any steps following</p> <p>6 Mr. Azurdia's death to improve the medical care program</p> <p>7 at Adelanto in response to his death?</p> <p>8 MS. ARMSTRONG: Objection. Vague.</p> <p>9 THE WITNESS: In -- shortly after, in February</p> <p>10 of 2016, the company made the decision to outsource -- I</p> <p>11 don't know if it was directly related to Mr. Azurdia's</p> <p>12 death, but in 2016, the company contracted with a</p> <p>13 medical provider to do the medical care at the facility.</p> <p>14 And staffing levels were increased in the medical</p> <p>15 department.</p> <p>16 BY MS. WRIGHT:</p> <p>17 Q How many staff work in the medical department</p> <p>18 at Adelanto?</p> <p>19 A Approximately 85 to 90.</p> <p>20 Q And who was the contractor that you contract</p> <p>21 with?</p> <p>22 A Currently, it's Wellpath.</p> <p>23 Q And who was it before Wellpath?</p> <p>24 A Correct Care Solutions.</p> <p>25 Q And do you know why the corporation shifted</p> <p style="text-align: right;">Page 273</p>

<p>1 from Correct Care Solutions to Wellpath?</p> <p>2 A It's my understanding, they -- there was a</p> <p>3 merger between Correct Care Solutions and Wellpath. I</p> <p>4 don't know all the business details of it.</p> <p>5 Q Okay. Now, a detainee at the Adelanto Facility</p> <p>6 died there on May 31st, 2017.</p> <p>7 Do you recall that?</p> <p>8 A I don't remember the specific date, but there</p> <p>9 may have been a death.</p> <p>10 Q It was Vicente Caseros. Do you recognize that</p> <p>11 name?</p> <p>12 A I recognize the name.</p> <p>13 Q And what were the circumstances of his death?</p> <p>14 A I don't recall the specifics. I don't recall</p> <p>15 them off the top of my head.</p> <p>16 Q Hand you Exhibit 45.</p> <p>17 (Plaintiffs' Exhibit 45 was marked for</p> <p>18 identification by the Certified Shorthand Reporter and</p> <p>19 attached hereto.)</p> <p>20 BY MS. WRIGHT:</p> <p>21 Q Can you -- did you conduct -- before I do that,</p> <p>22 did you conduct -- did you or GEO corporate conduct an</p> <p>23 internal investigation following the death of</p> <p>24 Mr. Morales?</p> <p>25 A Ramos.</p> <p style="text-align: right;">Page 274</p>	<p>1 A From the general remembrance, he had some</p> <p>2 serious medical conditions. I don't remember the</p> <p>3 details of it.</p> <p>4 Q Was there any kind of internal investigation at</p> <p>5 GEO following the death of Mr. Lopez?</p> <p>6 A I don't recall.</p> <p>7 Q Flip to page 15, Bates Stamp Novoa 3121, the</p> <p>8 conclusions. "ERAU found the Adelanto Detention</p> <p>9 Facility deficient in the following areas with the ICE</p> <p>10 PBNDS 2011." And then it lists medical care as one of</p> <p>11 those areas.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q On the next page, Bates Stamped 3122, "Medical</p> <p>15 staff did not monitor and assess Mr. Lopez while he</p> <p>16 underwent withdrawal. Did not conduct a mental health</p> <p>17 evaluation. Did want complete an HIV test, urinalysis</p> <p>18 or EKG."</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q "Nurses did not identify Mr. Lopez's withdraw</p> <p>22 symptoms when responding to a sick call request."</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q "Mr. Lopez was not seen by a provider until</p> <p style="text-align: right;">Page 276</p>
<p>1 Q Mr. Morales?</p> <p>2 A Oh, Morales, I don't recall.</p> <p>3 Q Did you or the GEO corporation conduct an</p> <p>4 internal investigation following the death of</p> <p>5 Mr. Azurdia?</p> <p>6 A I don't recall.</p> <p>7 Q Did you -- you don't recall if you personally</p> <p>8 looked into the death of Mr. Azurdia?</p> <p>9 A I can't recall if myself or GEO did a review.</p> <p>10 Q This is Exhibit 45. This is a detainee death</p> <p>11 review of Mr. Sergio Alonso Lopez.</p> <p>12 Have you seen this document before?</p> <p>13 A I may have. I don't -- if I have, I don't</p> <p>14 remember the details of it.</p> <p>15 Q On April 13th, 2017, Mr. Lopez died. And the</p> <p>16 cause of his death is upper gastrointestinal bleed,</p> <p>17 among other things.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q And Mr. Lopez was detained at the Adelanto</p> <p>21 Detention Facility in Adelanto, California from</p> <p>22 February 9th, 2017 until his death; is that right?</p> <p>23 A Yes.</p> <p>24 Q What do you recall about the circumstances of</p> <p>25 Mr. Lopez's death?</p> <p style="text-align: right;">Page 275</p>	<p>1 March 30th, 2017, more than four weeks following a</p> <p>2 doctor's February 25th -- 25th, 2017 review of his lab</p> <p>3 test results, which show abnormal findings."</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q Do any of these things violate the PBNDS?</p> <p>7 MS. ARMSTRONG: Objection. Calls for</p> <p>8 speculation. Calls for a legal conclusion. Vague.</p> <p>9 THE WITNESS: I can't quote the PBNDS medical</p> <p>10 standards.</p> <p>11 BY MS. WRIGHT:</p> <p>12 Q PBNDS medical care standard 5.A.2 and 6 states.</p> <p>13 "Every facility shall directly or contractually provide</p> <p>14 its detainee population with the following: Medical --</p> <p>15 medically necessary and appropriate medical dental and</p> <p>16 mental health care and pharmaceutical services and</p> <p>17 timely responses to medical complaints."</p> <p>18 Do you see that?</p> <p>19 A I see it.</p> <p>20 Q So the question is, do any of these</p> <p>21 deficiencies that are laid out in this detainee death</p> <p>22 report violate the PBNDS?</p> <p>23 MS. ARMSTRONG: Objection. Calls for a legal</p> <p>24 conclusion. Calls for speculation. Vague.</p> <p>25 THE WITNESS: If it's stated in the -- if ERAU</p> <p style="text-align: right;">Page 277</p>

<p>1 stated it, that was their finding. 2 BY MS. WRIGHT: 3 Q You agree with their finding? 4 A I'm not a -- do not have a medical background, 5 so I would have to defer to ERAU's findings. 6 Q Now, in March 20th of this year, March 20th of 7 2019, a man died of a possible brain hemorrhage at the 8 Adelanto Facility. 9 Do you remember that? 10 A 2019. 11 Q Uh-huh? 12 A I -- I don't recall that. 13 Q Do you recall the name Jose Busio? 14 A In 2019, no, I don't recall that occurring. 15 Q Do you know the name Fernando Dominguez? 16 A I've heard the name. 17 Q Who is Fernando -- Fernando Dominguez? 18 A I -- I don't recall the circumstances. I -- 19 I've heard the name as a detainee. I don't know the 20 individual. 21 Q I believe this is Exhibit 46. 22 (Plaintiffs' Exhibit 46 was marked for 23 identification by the Certified Shorthand Reporter and 24 attached hereto.) 25 ///</p> <p style="text-align: right;">Page 278</p>	<p>1 even told me there was a death. 2 Q Is it a -- is it a big deal that a detainee 3 died due to an unacceptable level of medical care while 4 detained at the Adelanto Detention Center? 5 A You never want a death anywhere, period, 6 irregardless of what findings or not findings. The 7 deaths, you never wish them on anybody. 8 Q Were any steps taken to your knowledge to 9 correct the unacceptable level of medical care that lead 10 to and caused Mr. Dominguez's death at the Adelanto 11 Detention Center? 12 A I can't speak to that. That was over two years 13 prior to me getting there. I'm not going to speak to 14 before I was there. 15 Q Nothing that you know of, as you sit here 16 today? 17 A Nothing that I've been -- no, nothing that I'm 18 aware of. 19 Q Is there anything more serious than the death 20 of a detainee at your facility? 21 A Again, it's -- you never want a death. 22 Q Is there anything more serious than the death 23 of a detainee at your facility? 24 A It's major event. It's a serious event. 25 Q What's more serious than the death of a</p> <p style="text-align: right;">Page 280</p>
<p>1 BY MS. WRIGHT: 2 Q These are the investigative findings of the ICE 3 detainee, Fernando Dominguez Valivia. 4 Have you seen this document before? 5 A I don't recall seeing this document. 6 Q Now, you see that it says that Mr. Dominguez 7 died on March 4th, 2012, which precedes your tenure as 8 the warden at the Adelanto Facility; right? 9 A Correct. 10 Q When you started as the warden, were you 11 informed about Mr. Dominguez's death? 12 A Not in any detail. I was advised there was a 13 death at one point in time, but no details. 14 Q So were you informed as it says here that a 15 doctor's review of the medical care provided to 16 Mr. Dominguez determined that Dominguez's death -- 17 demise could have been prevented and that Dominguez 18 received an unacceptable level of medical care while 19 detained at Adelanto Detention Center"? 20 A I was never briefed on any specifics of the 21 incident. I don't know. 22 Q Who briefed you on the general incident? 23 A I don't -- I don't -- just other than it was a 24 death that occurred in that year. I didn't have any 25 specifics. I had no -- can't remember who briefed me or</p> <p style="text-align: right;">Page 279</p>	<p>1 detainee at your facility? 2 A I'm not saying there's anything more serious. 3 You never want harm to come to anyone. 4 Q Did you know that more detainees have died 5 after being detained at the Adelanto Facility than any 6 other civil immigration detention center in the country? 7 A No. 8 Q Do you keep track of statistics of how many 9 people die under your custody? 10 A The number, yes. 11 Q And the total number of deaths under your 12 custody is how many? 13 MS. ARMSTRONG: Objection. Vague. 14 THE WITNESS: Since I've been at the facility? 15 BY MS. WRIGHT: 16 Q Correct? 17 A If I recall, five. 18 Q This is Exhibit 47. 19 (Plaintiffs' Exhibit 47 was marked for 20 identification by the Certified Shorthand Reporter and 21 attached hereto.) 22 BY MS. WRIGHT: 23 Q This is the detainee death review of 24 Mr. Gonzalez, who hung himself in his cell at the 25 Adelanto Facility and died on March 28th, 2017.</p> <p style="text-align: right;">Page 281</p>




<p>1 Have you seen this document before?</p> <p>2 A I don't remember it specifically.</p> <p>3 Q Do you see that it says Mr. Gonzalez was</p> <p>4 contained at the Adelanto Detention Facility at</p> <p>5 Adelanto, California at the time of his death?</p> <p>6 A Yes.</p> <p>7 Q What do you recall about Mr. Gonzalez's death?</p> <p>8 A He was in the restricted housing unit on the B</p> <p>9 side. And he tied a bed sheet to his bunk, either the</p> <p>10 ladder or the top bunk. I don't recall. And he used it</p> <p>11 to hang himself.</p> <p>12 Q Look at page 18, Bates Stamped Novoa 3100 of</p> <p>13 Exhibit 47.</p> <p>14 "ERAU reviewed the medical care that</p> <p>15 Mr. Gonzalez was provided at the Adelanto Facility, as</p> <p>16 well as the facility's efforts to ensure that he was</p> <p>17 safe and secure while detained at the facility. And</p> <p>18 ERAU found deficiencies in the Adelanto Facility's</p> <p>19 compliance with certain requirements of the ICE PBNDS</p> <p>20 2011?"</p> <p>21 Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Were you, as the warden of the facility,</p> <p>24 notified of the deficiencies in compliance with the</p> <p>25 requirements of the PBNDS that ERAU found?</p> <p style="text-align: right;">Page 282</p>	<p>1 sexually assaulted, but medical staff did not consult a</p> <p>2 medical assessment in response to that allegation."</p> <p>3 Do you see that?</p> <p>4 A I see it.</p> <p>5 Q Does that violate the PBNDS?</p> <p>6 A That was one of their findings.</p> <p>7 Q Does that violate the PBNDS?</p> <p>8 A According to their finding.</p> <p>9 Q It does?</p> <p>10 A As they state in their document, yes.</p> <p>11 Q "ICE found that when Mr. Gonzalez was put into</p> <p>12 segregation. On several occasions, the security rounds</p> <p>13 exceed the 30-minute requirement under the PBNDS. And</p> <p>14 of note, on the day that Mr. Gonzalez died by suicide,</p> <p>15 an officer logged a security round at 7:16 p.m. and</p> <p>16 Mr. Gonzalez was discovered hanging at 7:53 p.m., 37</p> <p>17 minutes later."</p> <p>18 Does that violate the PBNDS?</p> <p>19 A PBNDS requires periodic irregular rounds. If</p> <p>20 they found it -- if that was one of their findings, it</p> <p>21 was a finding of theirs.</p> <p>22 Q Do you see PBNDS Standard, Special Management</p> <p>23 Unit, Section 5-L, which states detainees in SMU or</p> <p>24 special management units shall be personally observed</p> <p>25 and logged, at least, every 30 minutes on an irregular</p> <p style="text-align: right;">Page 284</p>
<p>1 A I don't remember specifically, but if I was</p> <p>2 able to review this document, then I was notified, but I</p> <p>3 don't remember specifically.</p> <p>4 Q "ICE found that Adelanto failed to provide</p> <p>5 Mr. Gonzalez with language interpretation during his</p> <p>6 sick call encounters."</p> <p>7 Does that violate the PBNDS to your knowledge?</p> <p>8 A If that's what ICE found, they found it as a</p> <p>9 violation.</p> <p>10 Q It violates to the PBNDS to your knowledge?</p> <p>11 A According to the document, yes.</p> <p>12 Q "ICE found that the Adelanto Facility failed to</p> <p>13 complete a consent form for psychotropic medications for</p> <p>14 Mr. Gonzalez."</p> <p>15 Does that violate the PBNDS?</p> <p>16 A That was one of their findings.</p> <p>17 Q ICE found that Adelanto -- Adelanto's medical</p> <p>18 staff did not conduct a medical assessment of</p> <p>19 Mr. Gonzalez in response to his report that he was</p> <p>20 sexually assaulted?</p> <p>21 A Which section are you on?</p> <p>22 Q Page 20, Bates Stamp Novoa-3102, at No. 4. You</p> <p>23 can look up here, if you'd like.</p> <p>24 A Okay.</p> <p>25 Q "On March 7, 2017, Mr. Gonzalez reported he was</p> <p style="text-align: right;">Page 283</p>	<p>1 schedule?</p> <p>2 A Yes.</p> <p>3 Q You agree that if Mr. Gonzalez was not</p> <p>4 personally observed and logged, at least, every 30</p> <p>5 minutes, that violates this PBNDS standard; correct?</p> <p>6 A Their findings showed that it was -- it was 37</p> <p>7 minutes between checks.</p> <p>8 Q And that violates this PBNDS standard, because</p> <p>9 it's not every 30 minutes.</p> <p>10 Do you agree?</p> <p>11 A It's not in compliance with the standard.</p> <p>12 Q Did you make any changes at Adelanto as a</p> <p>13 result of Mr. Gonzalez's death?</p> <p>14 A We bumped our -- our daily rounds, our rounds</p> <p>15 in RHU segregation. We bumped them to 15- to 20-minute</p> <p>16 checks to be performed by the detention staff in the</p> <p>17 housing units.</p> <p>18 Q What else?</p> <p>19 A I don't recall all the specific changes, but I</p> <p>20 do recall that as one of the changes.</p> <p>21 Q It's GEO's responsibility to complete those</p> <p>22 checks; right?</p> <p>23 MS. ARMSTRONG: Objection. Vague.</p> <p>24 THE WITNESS: It's the detention officers'</p> <p>25 responsibility that are assigned to the segregation</p> <p style="text-align: right;">Page 285</p>

<p>1 unit. 2 BY MS. WRIGHT: 3 Q And those detention officers are GEO employees? 4 A Correct. 5 Q And it's GEO's responsibility to accurately 6 complete the logs of those -- of those observations; 7 right? 8 A It's part of their job assignment, yes. 9 Q Did the guard or guards who failed to complete 10 the observations of Mr. Gonzalez every 30 minutes on the 11 day that he died by suicide face any disciplinary 12 action? 13 A I don't recall specifically. I don't remember. 14 Q Who would know? 15 A My HR manager, possibly. 16 Q Who's that? 17 A Berta Berrasio Sullivan. 18 Q Why don't we take a break. 19 THE VIDEOGRAPHER: We are going off the record. 20 The time is 4:53 p.m. 21 (Whereupon a recess was taken.) 22 THE VIDEOGRAPHER: We are going back on the 23 record. The time is 5:10 p.m. 24 BY MS. WRIGHT: 25 Q Mr. Janecka, we spoke a little bit about the</p> <p style="text-align: right;">Page 286</p>	<p>1 Do you understand that to be true? 2 A If that's what they wrote in the document, 3 that's -- I don't recall the specific language in the 4 document of their -- for findings. 5 Q What steps have you taken as the warden of 6 Adelanto to remedy the deficiencies identified in the 7 September 27th, 2018 OIG report? 8 A Do you want to -- can you recant the findings 9 specifically? 10 Q Well, for example, OIG found that detainees 11 were hanging nooses from the vents in their rooms. 12 Do you recall that? 13 A I recall that OIG wrote that in their report. 14 Q Have you ever seen that -- I'm sorry. I 15 interrupted you. 16 A I've seen the document. I've seen the photo 17 that they put in their report. 18 Q Have you ever seen nooses hanging from the 19 vents at Adelanto? 20 A No. I've seen facility-issued bed sheets that 21 detainees would take a golf issued pencil, a little 22 pencil like you'd get at a golf course, or a paperclip 23 that they may have got through mail or legal mail, stick 24 in the vent, one of the holes in the vent that's drilled 25 in the wall of the cell above the toilet, hanging the</p> <p style="text-align: right;">Page 288</p>
<p>1 ACA audits or inspections of the Adelanto Facility. 2 Do you recall that? 3 A Yes. 4 Q Adelanto is also subjected to spot inspections 5 or unannounced inspections by The Office of Inspector 6 General by the Department of Homeland Security; right? 7 A Yes. 8 Q And in a September 27th, 2018 OIG report, the 9 OIG found serious deficiencies with respect to the 10 safety, detainee rights and medical care at the Adelanto 11 Facility. 12 Are you familiar with that report? 13 A I'm familiar with the report. 14 Q And OIG found that those issues constitute 15 violations of ICE detention standards, the PBNDS. 16 Do you understand that? 17 A I'm familiar with the report, yes. 18 Q Do you understand that OIG found that those 19 issues constituted violation of the PBNDS? 20 A I don't remember the specific language, but if 21 it's in their documents, then that was one of their 22 findings. 23 Q And OIG also found that the issues at Adelanto 24 represent significant threats to the safety, rights and 25 health of the detainees there.</p> <p style="text-align: right;">Page 287</p>	<p>1 bed sheet from either the paperclip or bed sheet. And 2 then tie it to a leg of a bunk nearest the toilet. And 3 then would utilize it as a privacy curtain when they 4 would use the restroom. When they were done with it, 5 the detainees would take the sheet and tie it or twist 6 it much like a construction worker would tie or loop an 7 extension cord to where you pull it at the bottom. And 8 it falls loose. And the next detainee may use it for 9 the same privacy curtain and put it back in the same 10 fashion or form. 11 Q Do you agree with the OIG that what you just 12 described violates the personal housekeeping requirement 13 of the PBNDS? 14 A It was a standard that we did not overly 15 enforce. Since the OIG audit, we've enforced the 16 standard. It's language that's been added into our 17 training, our annual and pre-service trainings for 18 staff, to emphasize the no hanging of linens or other 19 articles in the living area. We've also made it part of 20 routine shift briefing notes and minutes. And it's also 21 part of supervisor and administrate -- administrator's 22 rounds to look for those type findings. 23 Q So you agree that that violated the personal 24 housekeeping requirement? 25 MS. ARMSTRONG: Objection. Vague.</p> <p style="text-align: right;">Page 289</p>

<p>1 THE WITNESS: We did not enforce that standard</p> <p>2 to the max.</p> <p>3 BY MS. WRIGHT:</p> <p>4 Q You're answering a question that I'm not</p> <p>5 asking. I'm not asking if you enforced the standard to</p> <p>6 the max.</p> <p>7 A If OIG found it as a finding, we did not -- as</p> <p>8 a finding of not being in compliance with PBNDS, then it</p> <p>9 was, yes, noncompliant with PBNDS standard.</p> <p>10 Q You understand that OIG found in that same</p> <p>11 report that there had been, at least, seven suicide</p> <p>12 attempts at the Adelanto Facility from December 2016</p> <p>13 until 2017?</p> <p>14 A That was their finding. There's different</p> <p>15 interpretations between operations. The medical</p> <p>16 department or medical's definition of a suicide attempt.</p> <p>17 The differences were in the -- from the operational side</p> <p>18 for serious incident reporting. A -- a suicide attempt</p> <p>19 is a serious life-threatening event that requires</p> <p>20 off-sight medical attention.</p> <p>21 Q I'm sorry. That's your view, that a suicide</p> <p>22 attempt is a serious incident?</p> <p>23 A That is part of when we report, we, meaning</p> <p>24 GEO, as our serious incident reporting requirements,</p> <p>25 that's our requirements for serious incident reporting.</p> <p>Page 290</p>	<p>1 personnel examined their processes, examined the PBNDS</p> <p>2 requirements. And nursing staff was trained by</p> <p>3 dental -- the dentist or other providers to do the</p> <p>4 initial examination, which does not require an actual</p> <p>5 dentist to do the initial in-take screening.</p> <p>6 Q And so those steps that you just described to</p> <p>7 me were the steps that you took to address the violation</p> <p>8 of the PBNDS standard pertaining to dental care that was</p> <p>9 identified by the OIG?</p> <p>10 A They were the steps that our medical</p> <p>11 contractor, CCS put into place to correct that finding.</p> <p>12 Q Who's the Nakomoto Group?</p> <p>13 A The Nakomoto Group is an -- an agency that --</p> <p>14 it's my understanding that ICE contracts with to -- it's</p> <p>15 an outside group to come in and audit the PBNDS</p> <p>16 standards at the ICE facilities.</p> <p>17 Q How often does the Nakomoto Group conduct an</p> <p>18 inspection of Adelanto?</p> <p>19 A Annually.</p> <p>20 Q When was the last inspection?</p> <p>21 A Last fall, October, November of last fall.</p> <p>22 Q How did you go?</p> <p>23 A It went well.</p> <p>24 Q Did you pass the inspection -- the facility</p> <p>25 pass the inspection?</p> <p>Page 292</p>
<p>1 Some incidents, medical classified them as suicide</p> <p>2 attempts. Under our definition from an operation side,</p> <p>3 they were considered self-harm, because they were not</p> <p>4 life-threatening events.</p> <p>5 Q OIG found in that report that detainees wait</p> <p>6 months to be seen by a doctor for persistent health</p> <p>7 conditions and do not receive prescribed medication.</p> <p>8 What steps have you taken as warden of the</p> <p>9 Adelanto Detention Center to remedy that violation of</p> <p>10 the PBNDS?</p> <p>11 A I can't speak specific to that, what steps.</p> <p>12 Our health services administrator at that time was</p> <p>13 involved in developing the corrective actions for that.</p> <p>14 And I don't recall the steps that have been taken at</p> <p>15 this moment.</p> <p>16 Q OIG found that the Adelanto Detention Center</p> <p>17 does not provide adequate dental care to detainees. And</p> <p>18 that no detainees had received dental cleaning or dental</p> <p>19 fillings in the four years prior to the date of the</p> <p>20 report?</p> <p>21 A There was a backlog of initial exams and some</p> <p>22 dental care at that time. There was a weakness found in</p> <p>23 our medical department at that time, where the dentist</p> <p>24 was doing all initial intake examinations of detainees.</p> <p>25 After that, OIG brought that to light. The medical</p> <p>Page 291</p>	<p>1 A Yes.</p> <p>2 Q How much advance warning do you get before a</p> <p>3 Nakomoto Group audit?</p> <p>4 A I don't know specifically, maybe a month or</p> <p>5 two, something -- I don't know exactly.</p> <p>6 Q Do you do mock walks prior to Nakomoto audits</p> <p>7 the way that you do for ECA audits?</p> <p>8 A Not from the company. I do them on a daily --</p> <p>9 as I get through the building. I mean, I just do a walk</p> <p>10 of expectations, that -- of the facility. And I try to</p> <p>11 educate and train my staff to do on a constant basis.</p> <p>12 Q Has ICE ever imposed a financial penalty</p> <p>13 against the Adelanto Facility for failure to correct a</p> <p>14 deficiency?</p> <p>15 A Failure to correct, not to my knowledge.</p> <p>16 Q Has ICE ever levied a financial penalty against</p> <p>17 the Adelanto Facility for any reason?</p> <p>18 A Since I've been there, there was a contract</p> <p>19 deficiency report that was issued sometime in possibly</p> <p>20 the latter part of December 2015. And we were given an</p> <p>21 opportunity to remedy the findings.</p> <p>22 Q What were the findings of that report?</p> <p>23 A I don't remember the specifics. If I recall,</p> <p>24 it was primarily with medical care.</p> <p>25 Q And did you remedy the findings?</p> <p>Page 293</p>

<p>1 A Yes.</p> <p>2 Q What did you do to remedy the findings, if you</p> <p>3 recall?</p> <p>4 A One of the findings was the addition of</p> <p>5 medical -- needed additional medical staff. It was</p> <p>6 shortly thereafter when the company contracted with CCS</p> <p>7 at the time. And staffing levels were raised in the</p> <p>8 medical staffing.</p> <p>9 Q CCS is Correct Care Solutions?</p> <p>10 A Correct.</p> <p>11 Q Have there been any other deficiency reports</p> <p>12 aside from the one in December 2015 that you just told</p> <p>13 me about?</p> <p>14 A Not that I can recall.</p> <p>15 Q Would you know if there was a deficiency</p> <p>16 report?</p> <p>17 A If it was one of a contract deficiency report,</p> <p>18 I would know. And I don't recall any other than that</p> <p>19 one.</p> <p>20 Q Are they -- is it serious when a facility gets</p> <p>21 a deficiency report?</p> <p>22 A It's a serious finding or -- yes.</p> <p>23 Q So GEO corporate makes sure that you are aware</p> <p>24 of the deficiency report, because it can result in a</p> <p>25 financial penalty?</p> <p style="text-align: right;">Page 294</p>	<p>1 commissary?</p> <p>2 A No.</p> <p>3 Q So does GEO make a commission on the sale of</p> <p>4 any commissary items?</p> <p>5 A To my knowledge, the commission that's made off</p> <p>6 the commissary goes into the detainee welfare account.</p> <p>7 Q What is that?</p> <p>8 A It's a -- it's an account that's to benefit the</p> <p>9 entire population. We can use it for special</p> <p>10 activities, special meals, recreation equipment, leisure</p> <p>11 activities and items. It's for the entire population.</p> <p>12 Q Generally, what is the amount of the commission</p> <p>13 that's levied on commissary items?</p> <p>14 A I'm not sure, between 15 and 18 percent maybe.</p> <p>15 I don't know exactly.</p> <p>16 Q Does GEO set that percentage?</p> <p>17 A It's my understanding it's set by the</p> <p>18 commissary vendor, Keafy -- Keaf.</p> <p>19 Q So Keaf sets the commissary prices?</p> <p>20 A Yes.</p> <p>21 Q And Keaf automatically builds in 15 to 18</p> <p>22 percent for commissary items to go towards the detainee</p> <p>23 welfare fund?</p> <p>24 A I don't know the specifics if -- my business --</p> <p>25 our assistant warden of finance works with Keaf to</p> <p style="text-align: right;">Page 296</p>
<p>1 MS. ARMSTRONG: Objection.</p> <p>2 THE WITNESS: I've become aware of it. All the</p> <p>3 implications of the financial, I'm not that familiar</p> <p>4 with, because I just had one.</p> <p>5 BY MS. WRIGHT:</p> <p>6 Q And to be clear, there was no financial penalty</p> <p>7 as a result of the deficiency report that we have been</p> <p>8 discussing?</p> <p>9 A I don't recall if it was a specific dollar</p> <p>10 amount that I can remember, no. I can't remember one.</p> <p>11 Q You don't recall if --</p> <p>12 A I don't.</p> <p>13 Q Has the Adelanto Facility ever received a</p> <p>14 waiver from ICE for compliance with the PBNDS?</p> <p>15 A To my knowledge, we have one waiver.</p> <p>16 Q What is that for?</p> <p>17 A For the toilet and shower ratios at the east</p> <p>18 building.</p> <p>19 Q Did you seek that waiver from ICE, you meaning</p> <p>20 you, personally, Warden Janecka?</p> <p>21 A If I recall, I initiated it through the</p> <p>22 company. I don't recall who exactly sent it to ICE.</p> <p>23 Q Any other waivers that you know of?</p> <p>24 A Not that I can think of.</p> <p>25 Q Does GEO make any money from operating the</p> <p style="text-align: right;">Page 295</p>	<p>1 establish and come up with. And I don't know the exact</p> <p>2 involvement he has, but it's Keaf's -- it's a commission</p> <p>3 that's made that goes into a detainee welfare.</p> <p>4 Q What are some of the -- I think you said --</p> <p>5 special projects that are funded by the detainee welfare</p> <p>6 fund?</p> <p>7 A We've done pizza for the population. We've</p> <p>8 done Carl's Jr. We've done burritos for the entire</p> <p>9 population. For some of the holiday meals, we'll</p> <p>10 enhance it with extra items. Recreational equipment can</p> <p>11 be anything from leisure activities, such as checkers</p> <p>12 and Xbox, extra TVs, board games, rec- -- outdoor</p> <p>13 recreation equipment, some of the things.</p> <p>14 Q Do GEO officers or guards eat the same meals</p> <p>15 that detainees eat?</p> <p>16 A They can.</p> <p>17 Q Do they pay for that?</p> <p>18 A No.</p> <p>19 Q Do they eat in the detainee dining halls?</p> <p>20 A No.</p> <p>21 Q They eat in the staff dining halls?</p> <p>22 A Yes.</p> <p>23 Q So putting this all together, GEO guards or</p> <p>24 officers can eat meals that are prepared in the detainee</p> <p>25 kitchens by detainee workers in the staff dining halls?</p> <p style="text-align: right;">Page 297</p>

<p>1 A They can, yes.</p> <p>2 Q And they don't pay for those meals?</p> <p>3 A No.</p> <p>4 Q You said earlier that you've been deposed a</p> <p>5 couple of times since you became the warden of GEO. And</p> <p>6 you said that it was -- let's see here. You said the</p> <p>7 context was in employment-related litigation.</p> <p>8 Do you remember that?</p> <p>9 A Yes.</p> <p>10 Q I think you said that you've been deposed six</p> <p>11 times. And three or four of those times were related to</p> <p>12 employment litigation involving the Adelanto Detention</p> <p>13 Center; is that correct?</p> <p>14 A Approximately six times, that I -- in the</p> <p>15 entirety. And since I've been in Adelanto, to my</p> <p>16 recollection, they have all been employment-related</p> <p>17 matters, employee-related matters that I can recall.</p> <p>18 Q When was the last employment related matter</p> <p>19 that you were deposed for with respect to GEO?</p> <p>20 A Maybe March, April of this year. I'm not sure.</p> <p>21 Q And what was that matter about? What was the</p> <p>22 case about?</p> <p>23 A The employee was litigating a wrongful</p> <p>24 termination, if I recall.</p> <p>25 Q What was the employee's name?</p> <p>Page 298</p>	<p>1 A They would have been within -- that's two</p> <p>2 years -- with -- over the two or three years prior to</p> <p>3 that And I do not recall what the litigation was</p> <p>4 Q Do you recall the names of the plaintiffs in</p> <p>5 that -- those litigations?</p> <p>6 A No, I don't</p> <p>7 Q Have you ever been sued in your personal</p> <p>8 capacity?</p> <p>9 A No, not to my knowledge, no</p> <p>10 Q Those are all my questions for today Thank</p> <p>11 you very much</p> <p>12 A Thank you</p> <p>13 MS ARMSTRONG: Thank you</p> <p>14 THE VIDEOGRAPHER: This is the end of Media 1</p> <p>15 And this marks the conclusion of today's deposition of</p> <p>16 James Janecka We are going off the record The time</p> <p>17 is 5:31 p m</p> <p>18 (Whereupon the deposition concluded at</p> <p>19 5:31 p m )</p> <p>20</p> <p>21 (DECLARATION UNDER PENALTY OF PERJURY ON THE</p> <p>22 FOLLOWING PAGE HEREOF )</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 300</p>
<p>1 A If I recall, it was Ashley Broussard.</p> <p>2 Q Was that -- is this a case that's currently</p> <p>3 pending or is it over? Do you know?</p> <p>4 A To my knowledge, it's still pending -- I don't</p> <p>5 know -- I don't always get notified when the cases are</p> <p>6 over.</p> <p>7 Q Prior to Ms. Bissourd's case, what was the --</p> <p>8 A Oh, Lord.</p> <p>9 Q -- the next most recent deposition?</p> <p>10 A Maybe -- maybe a year prior to that.</p> <p>11 Q 20- -- sometime in 2018?</p> <p>12 A Possibly. I don't recall exactly.</p> <p>13 Q What was that matter about?</p> <p>14 A It was an employee litigation case. I don't</p> <p>15 remember the name of the person or the specific details</p> <p>16 of that case.</p> <p>17 Q Both of these cases so far, Ms. Bissourd's case</p> <p>18 and the one in 2018, were against GEO or were they</p> <p>19 against you personally?</p> <p>20 A No. They -- I don't recall exactly how the</p> <p>21 cases were -- who was named and what. I just recall I</p> <p>22 was required to provide a deposition as part of the</p> <p>23 case.</p> <p>24 Q What about the other two employee lawsuits that</p> <p>25 you've mentioned?</p> <p>Page 299</p>	<p>1 ***</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I do solemnly declare under penalty of</p> <p>6 perjury that the foregoing is my deposition under oath;</p> <p>7 that these are the questions asked of me and my answers</p> <p>8 thereto; that I have read same and have made the</p> <p>9 necessary corrections, additions, or changes to my</p> <p>10 answers that I deem necessary.</p> <p>11 In witness thereof, I hereby subscribe my name</p> <p>12 this day of _____, 2019.</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 WITNESS SIGNATURE</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 301</p>

<p>1 CERTIFICATION</p> <p>2 OF</p> <p>3 CERTIFIED SHORTHAND REPORTER</p> <p>4</p> <p>5 I, the undersigned, a Certified Shorthand</p> <p>6 Reporter of the State of California do hereby certify:</p> <p>7 That the foregoing proceedings were taken</p> <p>8 before me at the time and place herein set forth; that</p> <p>9 any witnesses in the foregoing proceedings, prior to</p> <p>10 testifying, were placed under oath; that a verbatim</p> <p>11 record of the proceedings was made by me using machine</p> <p>12 shorthand which was thereafter transcribed under my</p> <p>13 direction; further, that the foregoing is an accurate</p> <p>14 transcription thereof.</p> <p>15 That before completion of the deposition, a</p> <p>16 review of the transcript [x] was [ ] was not requested.</p> <p>17 I further certify that I am neither financially</p> <p>18 interested in the action nor a relative or employee of</p> <p>19 any attorney of any of the parties.</p> <p>20 IN WITNESS WHEREOF, I have this date subscribed</p> <p>21 my name</p> <p>22 Dated July 12, 2019</p> <p>23</p> <p>24  Kathleen Siri</p> <p>25 Certificate Number 9726</p> <p style="text-align: right;">Page 302</p>	